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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable ELIZABETH WARREN, a Senator from the Commonwealth of Massachusetts.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and everlasting God, You are the fountain of every blessing. Thank You for this good land with her hills and valleys, her fertile soil, her trees, plains, and mountains. Lord, we are grateful for the brilliant colors of the changing seasons. Inspire us to strive to become a great nation full of truth and righteousness.

Lord, give our leaders the wisdom to honor Your Name by living with integrity and humility. Teach them to express in words and deeds a spirit of justice for the glory of Your Name.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 17, 2021.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ELIZABETH WARREN, a Senator from the Commonwealth of Massachusetts, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Ms. WARREN thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Brian Eddie Nelson, of California, to be Under Secretary for Terrorism and Financial Crimes.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. SCHUMER. Madam President, later today, the Senate is scheduled to take the first procedural step to begin consideration of the annual defense bill.

Our Republican colleagues have said for weeks that we need to move quickly to take up the NDAA and pass it through the Chamber.

This morning, we are continuing to work with our Republican colleagues to strengthen the substitute with as many amendments from Senators as possible. We are making really good progress, and so we will give the Armed Services Committee more time this morning to review the text and come to a final agreement.

But the Senate needs to move forward on this bill, and quickly. With so much bipartisan interest in getting NDAA done soon, I see no reason why we can't finish this legislation or come to an agreement to finish this bill quickly.

I thank my colleagues from both sides of the aisle, and especially our committee chairs. I thank them because they are propelling this important legislation forward.

BUILD BACK BETTER AGENDA

Now on Build Back Better—I want to return to a comment made recently by the other side that crystalizes the difference between how the two parties see today's challenges.

''A gold mine.'' ''A gold mine.'' Those three words were used by my colleague, the junior Senator from Florida, when talking about Americans struggling with rising costs. A gold mine for them.

If you want to know why Americans can get frustrated with Washington, look no further than the comments like the one from the gentleman from Florida.

The Republicans, who voted for a giant tax break for millionaires and billionaires, don't have any solutions for working families, but they see political gold in exploiting their struggles.

Families are still struggling to pull themselves out of a once-in-a-century economic crisis brought about by COVID. They want to pay less for things like groceries, healthcare, prescription drugs, and childcare. They want us to find ways to make that happen, and that is just what Democrats are doing in Build Back Better. But, unfortunately, Republicans appear more interested in politics than progress.

It is simple: If we want to fight inflation, if we want to create more jobs—so many businesses are short of workers—and if we want to lower costs and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

make sure families have more money in their pockets, the best thing—the best thing—we can do is pass Build Back Better.

Seventeen Nobel Prize-winning economists—and more from both sides of the political spectrum—have said that this bill will help relieve inflationary pressures over the long term.

And this morning, an exclusive by Reuters confirmed that, for all the Republicans howling at the Moon about inflation, Build Back Better will not—will not—increase inflation.

And here is what the leading economist at Moody's said:

> The bills do not add to inflation pressures, as the policies help to lift long-term economic growth via stronger productivity and labor force growth, and thus take the edge off inflation.

Stronger growth, less inflation. I will say it again: If you want to fight inflation, if you want to lower costs and grow the economy, support Build Back Better. If you want to fight inflation, support Build Back Better.

Build Back Better is going to help families save money by making childcare more affordable. It is going to give parents a tax break so they can pay for diapers and groceries and gas. It is going to lower the cost of prescription drugs, like insulin and cancer treatments; and it is going to put more Americans to work, help our economy grow in the long term.

The American people want these things.

Why won't a single Republican come out and vote for them—a single Republican? Why do Republicans seem so intent on opposing lowering the price of insulin or giving parents a middle-class tax break?

Given the choice between helping families afford childcare and leaving them to fend for themselves, Republicans are telling families: You are on your own.

Listen to the list of things I just mentioned: middle-class tax breaks, lowering prescription drug costs, childcare. These aren't handouts. These aren't luxury items. To so many families, they are daily essentials, and they are just the beginning of what the BBB would offer.

While Democrats are fighting to pass legislation to lower costs, Republicans, who spent years under Donald Trump trying to repeal healthcare and give tax breaks to the ultrarich, are opposing tax cuts to the middle class while rooting for prices to go up and up—a gold mine.

Americans won't forget who in Washington is fighting for them and who is spending their time trying to exploit their hardships.

KIGALI AMENDMENT

Finally, the Kigali Amendment. Yesterday, the Senate received a message from the White House calling for us to approve a treaty amendment that will curb our country's use of dangerous hydrofluorocarbons, or HFCs.

Commonly known as the Kigali Amendment, 120 countries have agreed to the amendment. Even China is on the list. We should join it too.

HFCs are dangerous greenhouse chemicals found in everyday appliances from air-conditioners to refrigerators. They are thousands of times more damaging to our atmosphere than carbon dioxide. We had made progress in eliminating these chemicals before the Trump administration characteristically, unfortunately, took us backwards.

Phasing out these HFCs is very important and will go a long way in fighting climate change and protecting the environment for future generations. And it is supported by the business community too, as it will open up companies to markets for HFC alternatives overseas, promoting investment, innovation, and greater economic activity.

Approving this amendment will require two-thirds of the Senate. Reducing our country's use of HFCs has been a bipartisan priority in the past. In fact, last December, the Senate approved the first-ever agreement to phase down HFCs—a significant win for fighting the climate crisis. It should be a bipartisan priority right now.

In the wake of the President's visit to Glasgow, approving this amendment—which much of the world already embraces—is essential for telling the world we are committed to fighting the climate crisis. If we want to lead the world on this issue, it must—it must—get done.

UNANIMOUS CONSENT AGREEMENT—H.R. 4350

Now, Madam President, I ask unanimous consent that the cloture vote on the motion to proceed to H.R. 4350 occur at a time to be determined by the majority leader, following consultation with the Republican leader.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

BIDEN ADMINISTRATION

Mr. MCCONNELL. Madam President, a lot has gone wrong since this unified Democratic government took the reins back in January.

Let's take a look at foreign policy. The Biden administration's clumsy retreat from Afghanistan left Americans behind, who wanted out, and handed the country to a government staffed with terrorists that used to be locked up at Guantanamo Bay.

Let's take a look at energy independence. Or should I say energy dependence? President Biden canceled our own Keystone XL Pipeline but cleared the path for a new pipeline for Vladimir Putin. The amount of Russian oil that America has to import has already nearly doubled on the Democrats' watch.

Look at the border. Illegal crossers are flooding across our southern border at an all-time high. The Democrats have interior enforcement arrests down to a decade low.

But there is no question what crisis is at the top of the minds of middle-class Americans. There is no question what is keeping working Americans awake at night. It is inflation. Inflation. The runaway prices and unpredictability that Democrats' policies have fueled.

Ninety percent of Americans told one recent survey that they are somewhat or extremely concerned with inflation. We are a huge and diverse country. It is hard to get 9 in 10 Americans to agree on almost anything, but less than 1 year under Democrat policies, 90 percent of America is worried about inflation.

And it is no wonder. Year on year, consumer prices have risen faster than they have in over three decades. Last month marked the fifth month in a row that inflation has topped 5 percent.

These across-the-board numbers can sound a little abstract, so let's make it very tangible. In the past year, buying meat, fish, and eggs has gotten 12 percent more expensive. A gallon of gas costs the average American $1.31 than it did a year ago. And heaven forbid anyone having to replace a family car this year; used auto prices are up 26 percent.

Even getting family and friends together for Thanksgiving is a much pricier prospect than it was last year. Turkey alone is an extra 25 cents per pound. Factor in all the fixings, and some estimates project a feast next week will run families up to 15 percent more than it did last year.

For a while, the White House tried to downplay the problem. President Biden and his team told American families that costs weren't really rising as much as it seemed; or that, OK, costs were rising, but it would only last a few months; or, as some liberals argued, that if you remove food costs, housing costs, and transportation costs from the equation, inflation really wasn't all that bad.

Some have tried to argue that rampant inflation is actually a high-class problem to have because at least we aren't in a recession. I am not kidding. I guess they think working Americans should stop complaining and be grateful things aren't even worse.

But a sad irony is that inflation is exactly the opposite of a high-class problem. Inflation is like a huge, regressive tax hike that hits the middle class, the working class, and the poor far more than it hurts wealthy people.

The three biggest drivers of the staggering 6.2 percent inflation rate we

logged last month were housing, transportation, and food. These are not luxuries, they are essentials, and they take up a much bigger share of families' budgets from the middle class on down.

The Democrats' inflation is functioning like an ultrapunitive tax on American families who can least afford it—exactly the opposite of a ''high-class problem.''

It didn't have to be this way. The inflation spike wasn't just predictable; it was, in fact, predicted. This past spring, I warned my Democratic colleagues right here on the floor that their unbelievably expensive and poorly targeted spending bill that masqueraded as COVID relief would turn our strong economic recovery into an inflationary mess. Many of my Republican colleagues said the same thing. But Democrats didn't have to take our word for it; even their own favorite liberal economists, like President Clinton's Treasury Secretary Larry Summers and President Obama's CEA Chairman Jason Furman warned that liberal bill might supercharge inflation.

Now, our Democratic colleagues want to ram through another, even bigger, reckless taxing-and-spending spree that would make inflation even worse. Many of those same liberal economists support this new spending spree because of all the leftwing goodies that are packed into it, but even they largely admit—these who support this new leftwing proposal—even they admit the package would make inflation even worse next year.

Steven Rattner, a senior economic adviser to President Obama, just wrote in the New York Times that ''The original sin''—the original sin—''was the $1.9 trillion American Rescue Plan. . . . That has contributed materially to today's inflation levels.'' He goes on to say that Democrats' new taxing-and-spending spree ''can be deemed 'paid for' only if one embraces budget gimmicks, like assuming that some of the most important initiatives will be allowed to expire in just a few years. The result [is] a package that front-loads spending while tax revenues only arrive over [the course] of a decade.'' Mr. Rattner cites an outside estimate that ''the plan would likely add $800 billion or more to the deficit over the next five years, exacerbating inflationary pressures.''

Now, the person I just quoted is a former top adviser to President Obama—by definition a liberal Democrat—explaining that the Democrats' new proposal as currently constituted would make inflation worse—worse. He says it is the Democrats' proposal itself that needs to be built back better.

President Biden and his party have already brought needless pain on American families with their reckless spending. Ramming through another multitrillion-dollar, partisan wish list would only compound the damage. The hard-working men and women of this country cannot afford to be guinea pigs in a socialist experiment where Democrats try to inflate their way out of inflation.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. KELLY). Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 463, Brian Eddie Nelson, of California, to be Under Secretary for Terrorism and Financial Crimes.

Charles E. Schumer, Chris Van Hollen, John Hickenlooper, Brian Schatz, Tina Smith, Jeff Merkley, Tammy Duckworth, Patrick J. Leahy, Christopher A. Coons, Sheldon Whitehouse, Ben Ray Luján, Christopher Murphy, Martin Heinrich, Robert P. Casey, Jr., Michael F. Bennet, Ron Wyden, Raphael Warnock.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Brian Eddie Nelson, of California, to be Under Secretary for Terrorism and Financial Crimes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 50, nays 50, as follows:

[Rollcall Vote No. 471 Ex.]

YEAS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

NAYS—50

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

(Whereupon, Mr. HICKENLOOPER assumed the Chair.)

(Whereupon, Mr. LUJÁN assumed the Chair.)

The VICE PRESIDENT. On this vote, the yeas are 50, the nays are 50. The Senate being evenly divided, the Vice President votes in the affirmative.

The motion is agreed to.

The PRESIDING OFFICER (Mr. LUJÁN). The majority leader.

LEGISLATIVE SESSION

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022—MOTION TO PROCEED

Mr. SCHUMER. Mr. President, I ask unanimous consent to resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I move to proceed to Calendar No. 144, H.R. 4350, the National Defense Authorization Act.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

Motion to proceed to Calendar No. 144, H.R. 4350, a bill to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Mr. SCHUMER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HICKENLOOPER). Without objection, it is so ordered.

INTERPOL

Mr. WICKER. Mr. President, this Saturday, the International Criminal Police Organization, better known as INTERPOL, will begin its annual General Assembly in Istanbul.

INTERPOL is a vital global law enforcement network that helps police from different countries cooperate with each other to control crime. Unfortunately, it has also become a tool in the hands of despots and crooks who seek to punish dissidents and political opponents in an effort to turn other countries' law enforcement against the rule of law.

Rooting out this sort of abuse should be the top priority going into the INTERPOL General Assembly. These abuses make a mockery of INTERPOL and are threatening its continued existence.

INTERPOL's Constitution cites the universal declaration of human rights as the basis for police cooperation. Importantly and significantly, Article 3 of that declaration forbids INTERPOL from engaging in any ''activities of a political, military, religious or racial character.''

All 194 member nations have committed to uphold Article 3 and the entire INTERPOL Constitution. So it is troubling—as a matter of fact, it is even worse than troubling; it is egregious—that INTERPOL chose to host this year's General Assembly in Turkey, a country that has become one of the worst abusers of INTERPOL's Red Notice and Blue Notice systems.

Turkey has repeatedly weaponized INTERPOL to persecute and arrest government critics on politically motivated charges. Journalist Can Dundar is a prime example. Mr. Dundar is one of Turkey's most prominent media personalities and has received international awards for defending freedom of the press.

In 2018, Turkey demanded that INTERPOL issue a Red Notice for Mr. Dundar's arrest. What had he done? He simply criticized his government. He had reported on the Turkish Government supplying arms to an Islamist group in Syria. He was charged by a Turkish court with espionage and aiding a terrorist group—the group was never named—and sentenced to 27½ years in prison in absentia.

Thankfully, Germany has refused to extradite Mr. Dundar, but this is the sort of thing we see from this year's host of the conference.

In June of this year, Turkish media reported that INTERPOL had rejected nearly 800 Red Notices sent by the Turkish Government.

A Swedish human rights group reported that in 2016, after the failed coup in Turkey, the Turkish Government filed tens of thousands of INTERPOL notifications targeting persons who were merely critics and political opponents of the government. Some of these people were stranded in international airports, detained and handed over to Turkey, where they ended up in prison.

There are also alarming signs that Turkey is trying to leverage this year's General Assembly to further its own authoritarian goals. This past June, Turkish Deputy Foreign Minister Yavuz Selim Kiran openly asserted that the General Assembly in Istanbul ''will be an important opportunity . . . [to] explain in detail . . . our rightful position regarding our fight against terrorist organizations and our rejected Red Notices.''

Translation: Turkey plans to use this high-level event to mislead and lie to the international community. They will no doubt try to explain why President Erdogan should be able to hunt—hunt—down his critics in foreign countries, using foreign law enforcement through INTERPOL. This will be a travesty—one that indeed threatens the legitimacy and future viability of INTERPOL.

Of course, Turkey is not the only offender we could talk about. Russia, China, and Venezuela have routinely misused INTERPOL to oppress their critics. The case of Bill Browder, a fierce critic of the Putin regime and advocate for the Magnitsky Act, is probably the most well-known example of such abuse. Vladimir Putin has issued no fewer than eight INTERPOL diffusions seeking to have Bill Browder extradited—none of which, thankfully, have been obeyed.

These abuses should not be allowed to go on. INTERPOL needs protection on behalf of countries that actually believe in human rights, that believe in open dissent and the rule of law. Providing that protection is why I have introduced the Transnational Repression Accountability and Prevention Act, or TRAP Act. This is a bipartisan effort, with four Republican cosponsors and four Democratic cosponsors. This bipartisan legislation would fortify U.S. systems against INTERPOL abuse and would require that we use our influence to push forward due process and transparency reforms at INTERPOL. American law enforcement should never be doing the work of foreign crooks and dictators.

I hope that I can count on my colleagues in this Chamber to support this much needed legislation, and I invite my colleagues to be added to the cosponsor list.

The PRESIDING OFFICER. The Senator from South Carolina.

REMEMBERING HUGH K. LEATHERMAN, SR.

Mr. GRAHAM. Mr. President, later this afternoon, I will be introducing with Senator SCOTT—my colleague from South Carolina, TIM SCOTT—a statement for the record honoring the life of Senator Hugh K. Leatherman, Sr.

We just lost one of the most distinguished members of the State Senate in the history of South Carolina. Senator Leatherman was a 40-year member of the South Carolina State Senate. He was the finance chairman, and his leadership is legendary. With his help and assistance, the Port of Charleston is on track to become one of the premier ports on the east coast. He was indispensable in recruiting Boeing, Honda, and Volvo to South Carolina.

He was a dear friend of both myself and Senator SCOTT. I have never known a more effective voice for South Carolina. He loved the Pee Dee, the Florence area he represented, but when it came to helping South Carolina, Senator Leatherman was always there. You could count on him to lead from the front. Trying to solve problems was his life's work rather than creating problems.

I want to let the people of South Carolina know we have lost a giant. There will be a big vacuum, and all of us in our State are going to have to up our game to replace the vacuum created by Senator Leatherman.

His legacy is just extraordinary. He touched so many lives. He led the effort to put $300 million up front to deepen the Port of Charleston at a critical time. I could go on and on and on about how he helped every corner of the State, from the mountains to the sea. He was a giant of the South Carolina Senate. His voice will be missed. He has a record of accomplishment that is just, again, legendary.

To his family and legions of friends, we mourn Senator Leatherman's loss, but you have a lot to be proud of. Now is the time to celebrate this great statesman's life. Senator Leatherman was truly a statesman. He could work across the aisle. He knew how to get things done. He used the power given to him by his constituents and his fellow colleagues in the South Carolina Senate for the greater good. There is no better legacy or no better statement about a politician than to say that he used his power for the greater good.

The statement will be forthcoming from myself and Senator SCOTT.

To his family and friends, we stand with you. You will not go through this journey alone.

To my many friends in South Carolina from the Pee Dee, you lost a great champion, and I will do everything I can to help fill that vacuum and void.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. KING. Mr. President, I rise to discuss the National Defense Authorization Act for Fiscal Year 2022.

I want to make two basic points at the beginning and then discuss some of the specifics of the bill.

The first is the word ''deterrence.'' The cornerstone of our defense policy is deterrence. The best battle is the one that doesn't occur. The best war is the one that doesn't occur. And there are those who will say that this bill authorizes a very large amount of expenditures. I can assure you that war would dwarf the expenditures in this bill.

And deterrence is the whole idea of having a force that would convince any potential adversary that attacking the United States is a losing proposition, that it would cost them more than they would ever gain.

That has been our strategy for many years. It is our strategy going forward, and I will talk about it in some specific terms with regard to this bill. But it is important to understand that that's why we are doing this defense bill, is to provide and strengthen and ensure that this country has the forces and the weapons that are necessary to deter any potential adversary.

The second concept that, generally, I want to discuss is consensus. When I go home to Maine, people are amazed that we do anything together, because all they see on the TV news and read in the newspapers is about conflict—bickering, arguing, differing. Why can't they get anything done? What they don't know is that we do get a great deal done, and a lot of it is by unanimous consent, by consensus.

This bill is a good example. This is the 61st year that the National Defense Authorization Act has come to Congress, and we hope it is going to pass this year. For the past 60 years, every single year, we have passed a National Defense Authorization.

And we usually—well, not usually, not almost always—we always pass them on a bipartisan basis. This bill came out of the committee 25 to 1. That is pretty close to unanimous. And we always get substantial support in our committee, the Armed Services Committee, but also on the floor of the United States Senate.

Why?

Because the Members of this body, just as the people across this country, are committed to those who serve in uniform, and they are committed to the idea of peace and the idea of deterring adversaries and avoiding conflict and war.

They all think that all we do is argue, and this bill is proof that that is not the case.

When I first got here, my first two chairs of the Armed Services Committee were Carl Levin and John McCain, Senators who represented, in my mind, the best of the tradition of this Senate. They argued fiercely in favor of their positions, worked hard to resolve conflict within the committee, and were absolutely committed to the values of the United States of America.

Despite all the partisan differences that exist in the country, this bill is an example that we are still united when it comes to the defense of the United States.

It comes on the heels of Monday's signing of the historic bipartisan infrastructure bill. I think it is interesting that the bill has in its name—it has a name, I am not even sure what it is, but everyone refers to it as the ''bipartisan infrastructure bill'' because it was supported by bipartisan majorities in both Houses. And in this bill, we are coming together to do something similar, to support our country and, particularly, to support those who put their lives on the line to defend this country.

And I want to stop there for just a second. We all go through life getting various jobs, signing up for jobs, applying, and then you sign a form and you join the company. There are very few jobs in our society when you sign on the dotted line, you are literally putting your life on the line. Members of the military and first responders are the only people I can think of that do that. It is something we need to remind ourselves. In addition to all the other responsibilities that you are taking on when you join the military, you are literally signing to commit your life, if necessary, in defense of this country.

I believe this bill is essential to protecting our servicemembers, the industrial base which serves the defense of our country, and, collectively, our national security. The Armed Services Committee has produced a bill that will make our Nation safer and stronger.

For example, taking care of our servicemembers: 2.7 percent pay raise for military servicemembers and the Department of Defense civilian workforce. That pay raise is important, and if this bill doesn't pass, it won't happen. So that is one of the immediate reasons that we need to pass this bill, to provide a pay raise to our military personnel.

They will also receive 12 weeks of parental leave for birth, adoption, and foster care placement of a child.

One of the provisions that I am interested in is that there is substantial support in this bill for our naval infrastructure. It authorizes funding, for example, to Arleigh Burke-class destroyers, which Bath Iron Works in the State of Maine will be able to compete for, and this, in furtherance, supports our Navy's ability to deter adversaries around the world.

It is no secret that the Pacific is an important area of potential conflict. And the Pacific is an ocean and it requires ships in order to project power, and those ships are built here in America. And this bill demonstrates Congress' intent to support the Navy, to support shipbuilding, and to support the industrial base.

One of the things the bill does is provide for a new—what they call a multiyear contract, where the Navy commits to buying more than one ship at a time, which gives them a better price per ship. That is good for the taxpayers and also gives some assurance to the industrial base that the jobs will be there and the work will be there in order to maintain the support.

We often forget that the companies that do these—produce these amazing products cannot be turned off and on like a switch. I have visited shipyards. I visited in Norfolk; I visited in Maine, Portsmouth, and at Bath Iron Works many times. And these are amazingly complicated pieces of machinery. I believe that the destroyers built at Bath Iron Works are quite possibly the most complex product built in America.

And the people who build them have to know that they are going to have a job a year from now and 2 years from now. We can't go herky-jerky from one year to the next. Once you lose a welder who goes somewhere else, it is hard to get them back.

So the maintenance of the industrial base, whether it is in shipbuilding, aircraft, humvees, whatever the vehicles are, whatever the platforms are that support our military, it has to be done on a consistent and predictable basis so that those factories, large and small—and, by the way, there are thousands of small businesses that support these larger industries. They have to know that there is some future, and that is why things like a multiyear procurement is very important. This industrial base is not something that you can turn off and on.

There is a research provision in this bill that is very important. University of Maine is one of those universities that provides vital research to the military, because we always have to be thinking not about the last war or the last conflict, but the future. And everybody in this room knows that the future is going to be based upon newer and newer and newer technologies. So research is an essential part of building the strength of this country.

I worked for the last 2 years on something called the National Cyberspace Solarium Commission. Our job was to come together to form and recommend—recommend—a national strategy in cyberspace to defend this country, which we did in March of 2020. A number of the recommendations of our commission were enacted last year, either in the National Defense Authorization Act or in other areas of legislation that we passed. And, this year, there are some really crucial ones in this year's National Defense Authorization Act—crucial provisions to defend this country in cyberspace.

The next 9/11 will be cyber, and if we are not ready for it after all the warnings that we have had, shame on us. Worse than shame on us; it will be destructive of this country. And that is why I am so proud that there are provisions in this bill that will help us to respond, that will help us to understand what is going on, will help the private sector and the Federal Government to work together to meet and defeat this 21st century challenge.

In many ways, cyber is a new manner of conflict. We have to reimagine conflict. Traditionally, we think of conflict and war as Army versus Army and Navy versus Navy, Air Force and Coast Guard, and now the Space Force.

But cyber is all about the private sector. Eighty-five percent of the target in cyberspace is in the private sector, and they are not going to have their own army. So that is where there has to be a new relationship of trust and confidence between the private sector and the public sector in order to successfully defend this country in cyberspace. And, indeed, there is a provision, hopefully, that will enter this bill through the manager's package that will deal exactly with that subject.

This bill also secures the future of the nuclear triad. Strategic forces, otherwise known as nuclear weapons, are hard to talk about. They are hard to think about because they are so horrendous.

But to go back to the beginning of my remarks, the issue here is deterrence, and we have had a deterrent strategy virtually since 1945, and it has worked. Thank God there has not been a use of nuclear weapons since 1945.

Why?

Because of the strategy that every adversary knows that they will pay an awful price, if they attack us, using nuclear weapons.

As chairman of the Subcommittee on Strategic Forces, we have had hearings, we have had discussions, we have had readings on how do we successfully modernize our nuclear triad—bombers, submarines, and missiles—in such a way as to ensure the vitality of the deterrent strategy.

The problem is that all three of those legs of the triad have basically been

unattended to for 30 or 40 or sometimes 50 years. And as they degrade in capability, so also degrades the capability of our deterrence.

If the adversaries look and say, ''They are trying to fly 50-year-old airplanes, or they are trying to defend themselves with missiles that they are unsure of whether they will work,'' then the adversary says, ''Well, maybe we can get away with an attack.''

And therein lies a path to a horrendous nuclear conflict, which has to be avoided. The best way to avoid it is to be sure that our deterrence is credible. The only way to make it credible is to be sure that it is modernized. That is exactly what this bill contemplates.

Another provision of this bill that, I think, is critically important is a substantial change in the military code of justice, with regard to sexual assault, that puts in place an independent prosecutor system to take the decisions about moving forward on sexual assault claims out of the chain of command and puts it in a special professional prosecutor's decision.

I think that is important not only for the practical effect, but for the message that it sends to soldiers and sailors and airmen and guardsmen that we are serious about this; that they can feel comfortable reporting violations; that they can come forward and that there is no danger that the complaints that they make will be swept under the rug.

I think this is an important provision of this bill, and I want to commend my friend Senator GILLIBRAND, who has spent as long as I can remember—as long as I have been on the committee, which is 9 years, working on this issue, and, in many ways, this is the culmination of her work.

Another provision of this bill that I am particularly interested in is that we learn the lessons from 20 years in Afghanistan. Senator DUCKWORTH has proposed the creation of an Afghan war commission, an independent commission, not made up of generals, not made of people who were in Afghanistan, but of people who can take a clear-eyed look at the successes and mistakes concerning our engagement in Afghanistan. I think this commission is an important idea. I was delighted to support Senator DUCKWORTH's proposal.

Another provision that we hope will be included within the National Defense Authorization Act this year is the United States Innovation and Competition Act, which we have already passed here in this body, but if we put it in this bill, it will then go to the other body, and there will be consideration there.

This is a critical piece of legislation to enable competition with China. And make no mistake, we are in competition with China. So passing that bill as part of the national defense bill, to me, makes total sense because we are talking about national security, and being competitive in areas like AI and chips and quantum computing is as much a part of national security as bombers and submarines.

It also includes a provision about competition in the Arctic, which is one of the areas of the world that is opening to competition and, potentially, to conflict. We don't want that to happen.

Finally, the bill reasserts the fundamental congressional responsibility—I almost said ''prerogative,'' but it is not. It is a responsibility of Congress to make the decision as to when this country is committed to war.

In recent years—well, a little history. The last time the Congress declared war was in 1942. We have had AUMFs, authorizations for use of military force. This bill will repeal two of the early AUMFs that have been used as a kind of blank check by the executive to deploy troops and engage in conflict around the world. In 1991 and 2002, there were AUMFs involving Iraq.

If you go back to the debates of the Constitutional Convention, I think it was—I want to say—August 17, 1787, when there was a debate about the war power, and there were those who said the Executive has to have the power to declare war; Congress is too cumbersome; the Executive can only do that.

There were others who said: Wait a minute. We rebelled against the King of England because we didn't like the King and the prince being able to unilaterally take us into war.

The compromise was to divide the responsibility. The President is the Commander in Chief, but Congress has the responsibility to declare war. This power has not been usurped by modern Presidents. It has been abandoned—it has been given up—by modern Congresses. This bill is a step away from what, I think, is a serious gap in our adherence to the fundamental purpose of the Constitution.

So there is plenty of good in this bill; there is plenty to celebrate. I am delighted to be able to support it. I have only just scratched the surface, but it is a kind of truism that you will never be successful in a military context if you are fighting the last war. You have to think about conflict in the future.

In Maine, sometimes people say: We have never done it that way before.

I am sure the Presiding Officer hears that in Colorado, and you hear it all around the country: We have never done it that way before.

If that is our attitude, we are sunk. We have to think about what is coming at us, about what is in the future.

Cyber will be part of any kind of conflict we may become engaged in, and I hope we never become engaged in a serious conflict. Again, that is the entire purpose of this bill. It is to deter any potential adversary from thinking that they can successfully attack this country.

This bill defends the interests of America. It defends the interests of our military and our wonderful military people who are deployed around the world and, as I say, who are putting their lives on the line for this country.

We can come together, hopefully, in the next few days, in a bipartisan way, to pass this bill, to pass the word, in the words of President Kennedy, ''to friend and foe alike,'' that we will accept the burdens of leadership and that we will meet our responsibility to John McCain, to Carl Levin, to all those who have come before us, and to the people of the United States of America.

I yield the floor.

The PRESIDING OFFICER (Ms. ROSEN). The Senator from Missouri.

INFLATION

Mr. BLUNT. Madam President, one of the most striking things, I think, we are beginning to notice this year is that the holidays are taking on a really different look than we have seen in a long time.

Actually, for about a generation now, we have seen more choices and, more often than not, declining prices, which has made it possible for American families to have things that, in the past, they had not thought were possible for them to have.

The pandemic, of course, was a big obstacle a year ago, as people were forced to alter or cancel their plans for their families to get together. And I think many of us were really looking forward to a more traditional holiday season this year. Hopefully, that season still allows people to get together.

But I think we are also beginning to see people think they are going to have to scale back their celebrations or be prepared to pay a lot more for them; maybe just simply paying a lot more to get there, to start with, as gasoline costs have gone up dramatically. I think we are about 46 percent higher in our gas costs than we were a year ago. For a lot of families, that is a deciding item of whether you can actually get to Grandma's house or not.

This time, the change in plans isn't because of the virus; it is because of inflation and supply side issues that, frankly, the government has done a lot to help cause.

Jason Furman, who was the Chairman of President Obama's Council of Economic Advisers, said recently: ''The original sin was [the size of the] American Rescue Plan.''

According to Jason Furman, he said: ''It contributed to both higher output [and] also higher prices.''

Now, what he was talking about was the American Rescue Plan. This was the so-called COVID relief plan from March. It was a law that the Democrats passed entirely by themselves—despite there being a lot of warnings that the economy was already beginning to recover—that put another $2 trillion into the economy, including a lot of money that went to State governments that, clearly, didn't need it and local governments that, maybe, needed it a little more than the States did.

We had States that were having all-time high revenues, and we had already

helped States in a number of different ways. Then, suddenly, we had to beat all of that by sending money to States and sending $2,000 to everybody, almost, and thought that wouldn't have any impact.

I am not sure who we were trying to save in this effort for relief. There was no reason to believe, in March, that the economy wasn't headed on the way back. What we did in March with that legislation was just pour more fire on an economy that was already about to roar back in a good way.

The warnings were right on the money. In October, inflation rose 6.2 percent over the cost of a year ago. That is the highest increase in inflation in 30 years.

A lot of Americans alive today and, certainly, a lot of Americans who are in the workforce today don't remember the inflation of the seventies and the early eighties that made it just hard for families to keep up; that made it hard for families to buy a house; that made it hard for families to pay the basic bills.

I hope that we are not going to get a strong reminder of that, but it certainly looks like we are.

The prices for many of the things that will be on the Thanksgiving table are going up. The New York Times, about 2 weeks ago, had a front-page article that this would be the most expensive Thanksgiving ever. Then they went through that list of things to talk about that.

The price of turkey, by the way, has gone down a little bit in the last few days. It was projected to be 20 percent higher. It is only 18 percent higher. So your principal protein on the Thanksgiving table will cost 20 percent more or 18 percent more than it did a year ago.

Other protein is even higher than that. Potatoes are 17 percent higher than they were a year ago. Green beans are 39 percent higher than they were a year ago.

I don't know if we are beginning to see a pattern here or not, but there, clearly, is one.

Butter is about 30 percent higher than it was a year ago. If your grandmother's recipe for stuffing—or, as my grandmother called it, dressing; we had turkey and dressing when I was growing up—includes onions, onions are 50 percent higher than they were a year ago.

So, between the labor shortages, the high costs of raw materials, and more expensive transportation, the food supply chain is just about as messed up as the rest of the supply chain.

We don't import nearly as much food as we may import other things, but that food supply chain isn't working for us either.

Now, shoppers are already beginning to see bare spaces on grocery store shelves. Places you were going 6 months ago, when you had a choice or even 6 weeks ago when you had a choice, suddenly there is one item there of what you are trying to buy or maybe no items of what you are trying to buy. There is just simply not a choice that you can make at the store because the product you want to get is not there—and not just the brand-name product, the product is not there in growing cases.

What are we going to see when the Christmas holiday—the holiday shopping season really begins right after Thanksgiving. Black Friday, or whatever other day you are going to do that shopping in, I think you are going to see—American families and American individuals are going to see lots of challenges.

Wait times for ocean freight—we have all seen those pictures now of the backup of ships waiting to get to the port in every port in the country—every port in the country. Wait times are about 45 percent longer than it was last year at this time.

Shipping rates from China are around 400 percent, four times higher than they were a year ago. Things that cost $2,000 a container now are much more likely to cost something like $12, $15, or even $20,000, just for the container—moving the container from where it is filled up to where it gets off the boat at one of our ports.

Traffic jams at the big ports are a problem in every place. There is a shortage of 80,000 truckdrivers to move things once they get unloaded.

We made it so appealing for some people to stay home from work that they have, at this point, still decided not to go back to work or decided to retire early. They were getting that enhanced unemployment check for a couple of years, decided that maybe that life in the truck, which is a hard life, or that life on the dock, which is a hard life, or that life at the grocery store stocking shelves, which can be challenging every single day, or any other job was just not a job that they were going to go back to.

I mentioned President Obama's economic adviser earlier. Well, he said another pretty revealing thing at the same time when he talked about supply-side problems. He said, and this is his quote also: ''It would be foolish to count on a return to normal within the next year.'' Within the next year.

So things are not going to get better if we don't get back. They are likely to get worse.

Then he said inflation ''is likely to remain uncomfortably high.''

Now, I am not going to talk about what his personal economic circumstances may be, but if they are uncomfortably high for him, they are painfully high for lots of families.

So here we go again. By the way, not only was the $2 trillion bill done just by one party—not a single Republican voted for it in March. Not only did that feed the flames of inflation, but now we are right back talking about a bill that if every program was extended through the 10 years, it would be a $4 or $5 trillion bill. It is impossible to understand how you wouldn't see that as another thing that is going to really create great risk. We have had every warning sign we could possibly have.

When Washington pays people not to work, it gets awfully difficult to fill all the open jobs. When Washington gives people money that Washington has borrowed or just simply kind of made up, that is awfully hard.

The predictions that have been made about what happens with excessive unemployment payments, the predictions that have been made about money borrowed and put into the economy that we don't have, have actually turned out to be right on target.

So Republicans are warning again, if our colleagues on the other side continue to plan to move forward with another—however number you want to describe it. I think it is very fair, if all of these programs are extended, to describe it as $4 to $5 trillion. It is fair to describe it as $2 trillion, if actually you start these programs that people will like having government take this new responsibility and then think they can actually stop after 1 year or 2 years or 3 years.

Nobody believes that, and frankly I don't know anybody on the other side who thinks that is the plan. They understand the plan is to have a $2 trillion pricetag and a $5 trillion ultimate payout for the things that that pricetag starts to pay for.

Nothing about being uncomfortably high—let's talk about the pain that you could have as you tighten your belts not just for the holidays but for the foreseeable future.

Transportation, food, home heating in the winter, it doesn't get more basic than that. And if transportation costs go up, gasoline goes up 46 percent, food goes up 15 to 20 percent. Home heating costs are projected, in many places, to go up somewhere between 50 and 100 percent. Even if you got a little bit of a raise at work, that raise is immediately taken away by just the basic fundamental things you have to have.

We need to work with our friends on the other side. We need our friends on the other side to see the warning signs of what has happened with what we have done, what has been done this year already, and exactly understand what will happen.

If we do more of the same, we are going to get more of the same, and more of what is happening right now is not what people we work for need or deserve. I hope we get serious about the things that our actions create.

With that, I yield back.

The PRESIDING OFFICER. The Senator from Tennessee.

Mrs. BLACKBURN. Madam President, I appreciate my colleague from Missouri and his remarks about how we need the other side to work with us. And that is so very true because this administration, the Biden administration, has refused to drag themselves away from the political posturing and move toward actually governing and

addressing the problems that the American people would like to see addressed. They have sent this economy into the gutter.

Now, think about it. Just a few years ago, we had the best economy that we had had in decades. Unemployment for women, for African Americans, for Hispanics hit an alltime low; wage growth at an alltime high. Now the economy is in the gutter. Our southern border is now in shambles. The hearing we had yesterday with Secretary Mayorkas was so dissatisfying because he did not have facts and figures and answers, and we see a country that is incredibly divided.

But at least the American people now know just how in denial the White House is about what is takes to be living in the real world. Their constant attempts to downplay the mess they have made have had the opposite effect, and now everyone knows just how out of touch they are with anyone who regularly pulls in at the gas station to fill up their own car or darkens the door of a grocery store to buy the groceries that they need.

Yesterday, I came to the Senate floor and asked the question: What will it take for the Biden administration to take the threat of Chinese aggression seriously?

The evidence is staring them in the face, and yet they refuse to acknowledge that there is a danger; that China is our adversary. Certainly, the President's phone call did not give us any comfort in knowing that he understands they are an adversary.

And today, I have a similar question: What will it take for the Biden administration to take the American people seriously when they repeatedly warn us that the economy is in trouble? They are living the warning signs every single day.

But try as they might to convince us otherwise, this administration's talking points are all about happy talk, better jobs numbers, and the pockets of growth. But this is not anything that is representative of the economy at large.

Still, every policy that they proposed this year assumes that the costs of inflation are a myth; that inflation is concocted by Republicans; that it is there as a talking point to scare American families.

How completely out of touch can this administration be? They are proving the point that they are elitists; that they live in a bubble.

What they keep saying to people is: Oh, you know, it is a dollar here. It is a dollar there. It doesn't really matter that much.

But, of course, it does matter.

Anyone who has taken the time out of their life to rear a family and any mother who gets up in the morning and she is trying to feed the kids and get them to school and shuttle kids into the minivan and then she is off to work and then they are off to activities in the afternoon, she knows that pennies add up to dollars, which adds up to hundreds of dollars, and it goes quickly—in a hurry.

I talked to someone last weekend. They were talking about how a manageable trip to the grocery store now has the potential to just blow their budget. They are somebody who likes to use cash, not credit cards. They put it all in envelopes, and they plan out their expenditures. They are seeing firsthand what this budget is doing to their monthly budget for their family.

The sad thing is, this is all happening just in time for Thanksgiving, just in time for the Christmas holidays.

But, you know, you don't need to take my word for it. My colleagues don't need to take my word for it. Let's look at the Bureau of Labor Statistics to tell the story. This is a Federal bureau, and they keep this data. Their data is telling quite an interesting story.

I have a poster here that actually shows you the percentage increase you are going to see. The Thanksgiving turkey will cost you 6.1 percent more this year than last. If you want to get a ham, that is going to be an extra 12 percent. If you are serving veggies with the turkey and ham, that is an extra 8.2 percent. The price of a cup of coffee for after dinner, that is up 5.7 percent. And the grand finale, the homemade apple pie is up 5.1 percent. And I hope that you weren't planning on driving out of town for your Thanksgiving dinner because gas prices are up $1.23 a gallon since last October. Think about that, $1.23 a gallon—a gallon.

Now, this is sticker shock every time you pull into the gas pump. It is sticker shock every time you go to the grocery store. And, as you can see what it was last year, you are seeing these stickers on gas pumps all across Tennessee.

Yes, the Biden administration, they can say: I did that.

Decisions that the President has made—stopping the Keystone Pipeline, moving us from being energy independent and exporting oil to making us dependent on OPEC, of all things, so that we can drive our cars and heat our homes—it outrageous.

I would encourage President Biden and my Democratic colleagues to remember that, when it comes to budgets and families managing their way through this inflation, they can't have it both ways.

Back in January, they told congressional Republicans that their bipartisan bailout bill was the only thing standing between the average American family and financial ruin. Now, the very idea that pricing and spending power matters seems extremely unpopular with our friends on the left. Suddenly, they expect the American people to put on a brave face, to treat shortages like a minimalist trend, and to cut back where they can.

Do you know what, Madam President? The American people don't want to live in austerity; the American people want to go to the grocery store and find the food that they need. It is stunning, the attitude of the left. It is stunning, the disregard that they have for average American families who are working hard every single day.

Of course, people who are now struggling to make ends meet could stay home. They could stay right at home this holiday season. They could park the car, cook a small meal, and swallow their disappointment. But do you know who won't be doing that this holiday season? President Joe Biden. You won't see him making sacrifices to sustain the narrative.

I have a feeling I won't see many of my Democratic colleagues passing on Thanksgiving dinner to show solidarity with families who couldn't stretch their paycheck far enough for that Thanksgiving turkey.

I would hope that something here in all of this data would remind you. The Bureau of Labor Statistics—that is where I am getting the data. I am hoping it would remind my friends across the aisle that this is not about proving a point. This is about the average American's growing inability to put food on the table.

You may not have to worry about an extra $30 or $40 on the grocery bill, but most Tennesseans do worry about that. And for some people spending more isn't even an option.

It is time to adjust the priorities of the Democrats. It is time for this administration to adjust their priorities. It is time for them to meet the people where they are and not where they think that the people should be forced to go by their socialist agenda.

I would encourage my colleagues: Pay attention to what the people of this country are telling you. Govern accordingly. People are depending on it.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. BARRASSO. Madam President, I come to the floor today to talk about our Nation's defense.

Last week, America marked Veterans Day. I was in Wyoming and started Veterans Day the way I do every year, which is in Douglas, WY, in Converse County, at the American Legion.

We raised the flag at 7 a.m. We kicked off a day of Veterans Day ceremonies all around Wyoming. Last week, I visited with veterans all around the State. I will share with you the things that I hear all across Wyoming.

What I continue to hear is that since Joe Biden took office, our Nation has become weaker—weaker—and the

world has become more dangerous and our Nation is now less safe.

In August, Joe Biden oversaw the tragic and failed withdrawal from Afghanistan. Because of the President's weakness, incompetence, and mismanagement, the Taliban took over Afghanistan in just a matter of weeks. Just before the withdrawal, terrorists killed 13 of our troops. It was the deadliest day for our military in a decade.

One of those fallen heroes was Rylee McCollum of Wyoming. All of Wyoming felt the terrible loss of this 20-year-old marine. He was a statewide high school wrestling champ.

On August 30, the Biden administration left hundreds of Americans behind enemy lines, in spite of the fact that the President said he wouldn't leave anyone behind. The administration has admitted to the Armed Services Committee that more than 400 Americans are still behind enemy lines.

Joe Biden's Afghanistan surrender was a national disgrace. The consequences are being felt all around the world. Our friends are furious. Our enemies are emboldened.

Last month, we saw a hypersonic missile being tested. We see that an emboldened Vladimir Putin now has stationed 100,000 troops near the border with Ukraine. Vladimir Putin continues to speak of Ukraine as if it is part of Russia.

North Korea showed last month that they can launch ballistic missiles from submarines.

Iran will soon have much, much more cash than they did when President Biden took office. You say: How could that be? Well, one reason for the influx of cash is the rising price of oil and a weak enforcement of the sanctions that we have against Iran. It is easier for them to sell and more profitable to do so. The Biden administration is trying to negotiate with Iran from a position of weakness.

Yet the most alarming developments are the strides being made right now in China. Since Afghanistan fell, China has aggressively flown dozens of military planes over Taiwan's air defense zones. The Pentagon admitted recently that China now has the largest navy in the world. China plans to build more than 100 new ships over the next 8 years. China is also building about 300 missile silos and plans to have 1,000 nuclear missiles in the next 8 years. China recently tested a hypersonic weapon capable of use around the world.

These are pressing challenges, challenges like we haven't seen since the Cold War. This administration has been caught flatfooted.

At the White House, utter incompetence. At the Pentagon, complete mismanagement. At the State Department, global weakness. No one has been fired. No one has been held accountable over the withdrawal from Afghanistan. No one has resigned. There has been no accountability.

It is astonishing, but the President must still believe in his statement where he said it was ''an extraordinary success.'' He may be the only one in America who believes that. Our enemies are getting stronger, and the Democrats are asleep at the switch.

The Pentagon Press Secretary was asked last week which is a bigger threat—which is a bigger threat—China or climate change? His response: ''They are equally important.'' This is the Pentagon Press Secretary. This isn't somebody at the EPA. This is somebody responsible for the defense of this Nation. This is not just false; it is absurd for this to be the policy of this administration.

Defense Secretary Lloyd Austin is focused on fighting so-called dissident ideologies in our military. The Chairman of the Joint Chiefs of Staff testified in Congress that he supports servicemembers studying critical race theory.

Our enemies are not following that path. Oh, no, they are focused on winning wars. The Biden administration seems to be focused on liberal fantasies.

Well, I believe it is about to get a lot worse. That is because President Biden's vaccine mandate will likely cause the discharge of thousands of servicemembers. It is certainly a concern of mine with our National Guard in Wyoming, as it is with troops around the country and around the world representing and defending our Nation.

Recruitment was difficult already. Our troops are feeling the pain of inflation cutting into their paychecks, and now the President seems to be determined to decimate their ranks.

I fully support vaccination. I am a doctor. I am vaccinated; so is my family. I am pro-vaccine. I am anti-mandate.

At a time when our enemies are getting stronger, we don't need to drive the men and women who defend our Nation out of the military.

Now, the Senate has still not passed the National Defense Authorization Act. The Senate went Independence Day, Memorial Day, and Veterans Day with no action on the Defense bill. The majority leader now says the Senate will finally get around to it. Why did it take so long?

The Senate has been debating a reckless tax-and-spending blowout the American people did not ask for, do not want, cannot afford, as prices continue to grow and go up and up and up, when the cost of Thanksgiving dinner is going to be the most expensive in the history of our Nation.

And we are here in the Senate and the House. What are they doing? They are debating taxpayer dollars for illegal immigrants instead of taxpayer dollars for American heroes. We have been debating taxpayer dollars for what Democrats call tree equity. The New York Times even wrote about it today.

We ought to be debating national security. We should be talking about the U.S. Army instead of Democrats who have been talking about an army of climate activists and an army of IRS agents.

We just honored veterans last Thursday. We will give thanks again for all of them next Thursday on Thanksgiving Day.

It is time, today, for the United States to do right and for the Senate to do right by all of them. I urge my colleagues to focus on a bipartisan National Defense Authorization Act, the Defense bill, for the defense of our Nation. It is time we prove to the Nation that we do support our troops and we do protect them against—and protect all of us against—rising threats and keep this great Nation safe.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. BALDWIN). Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. SANDERS. Madam President, day after day here on the floor of the Senate and back in their States, many of my colleagues talk to the American people about how deeply concerned they are about the deficit and the national debt. They tell us that we just don't have enough money to expand Medicare, to cover dental care for seniors, to cover hearing aids, to cover eyeglasses. We just don't have enough money to do what every other major country on Earth does, and that is guarantee paid family and medical leave.

At a time when hundreds of thousands of bright young people are unable to afford a higher education and millions are struggling with student debt, my colleagues tell us that we just don't have enough money to provide 2 years of free tuition at community colleges.

When we have over 500,000 Americans sleeping out on the streets, including a few blocks away from the Nation's Capitol, we just don't have enough money to build the low-income and affordable housing this country needs.

At a time when the scientists are telling us that we face an existential threat in terms of climate change, we are told that we just don't have enough money to transform our energy system away from fossil fuel and create a planet that will be healthy and habitable for our kids and future generations. Just don't have enough money.

Yet, today, the U.S. Senate will begin consideration of an annual defense budget that costs $778 billion—$778 billion for one year. That is $37 billion more than President Trump's last defense budget and $25 billion more than what President Biden requested.

By the way, all of this money is going to an Agency, the Department of

Defense, that continues to have massive cost overruns year after year, wasting enormous amounts of money, and is the only major governmental Agency in the Federal Government not to successfully complete an independent audit.

Now, isn't it remarkable how, even as we end the longest war in our Nation's history, the war in Afghanistan, concerns about the deficit and the national debt seem to melt away under the influence of the military-industrial complex. People sleeping out on the street, people dying because they don't have any healthcare, kids unable to get the early childhood education they need—not a problem. Can't afford to pay for those things, but somehow, when it comes to the defense budget and the needs of the military-industrial complex, we just cannot give them enough money.

But that is not all, and I want the American people to know this, as I suspect many don't.

It is very likely that in the Defense bill or attached to the Defense bill, there will be a so-called competition bill, and this bill is a $250 billion bill that includes $52 billion in straight corporate welfare, with no strings attached, for a handful of extremely profitable microchip companies.

Now, is there a problem in that our country is not producing the kinds of microchips and the number of microchips that we should? The answer is yes. It is an issue we have to deal with, but we can deal with it in a way other than simply handing money to a handful of enormously profitable corporations with no protection for the taxpayers at all.

By the way, I should also mention that as part of the so-called competition bill, there is also a $10 billion handout to Jeff Bezos, one of the wealthiest people in our country, for space exploration.

Combining these two pieces of legislation would push the pricetag of the Defense bill to over $1 trillion for 1 year. I want people to remember that because when we talk about Build Back Better, we are talking about a 10-year bill. This is 1 year.

Meanwhile, while there is limited discussion about the Defense bill or corporate welfare in the competition bill, Congress has spent month after month discussing the Build Back Better Act, which on an annual basis costs far less than the Pentagon budget, and discussing whether or not we can afford to protect the working families of our country whose needs have been ignored decade after decade, who in many cases are living paycheck to paycheck, can't afford housing, can't afford prescription drugs, and can't afford to send their kids to college. We can't address their needs—no, no, no—because we are too busy worrying about throwing money at the Pentagon and large, profitable corporations.

If there was ever a moment in modern American history when we need to fundamentally review our national priorities, now is that moment. Whether it is transforming our energy system away from fossil fuels; whether it is guaranteeing paid family and medical leave; whether it is providing healthcare to all of our people as a human right, as virtually every other major country does; whether it is taking on the greed of the pharmaceutical industry, which charges us by far the highest prices in the world for prescription drugs; whether it is addressing our crisis of affordable housing or providing childcare and pre-K to the little kids, now is the time to reassess our priorities. Now is the time to fight for real change.

But instead of addressing these major issues that impact the lives of working families all across this country and that the working class of this country desperately wants, Congress comes together, Democrats and Republicans, with minimal debate, to support an exploding Pentagon budget, which is now higher than the next 13 nations combined and represents more than half of our discretionary spending.

After adjusting for inflation, we are now spending more on the military than we did during the height of the Cold War or during the wars in Vietnam or Korea. And I would like to reiterate, this is after the war in Afghanistan has ended. That is why I have introduced an amendment with Senator MARKEY to reduce the military budget by $25 billion, down to what President Biden requested.

Let's be clear. This is not a radical idea. It is the military spending proposed by the President of the United States and the amount requested by the Department of Defense. I look forward to support on that amendment, especially from the deficit hawks, who I know are very, very concerned about the deficit.

I should also point out that this extraordinarily high level of military spending comes at a time when the Department of Defense is the only Agency of our Federal Government that has not been able to pass an independent audit and when defense contractors are making enormous profits while paying their CEOs exorbitant compensation packages.

Let's not forget that in this so-called competition bill, there will be a provision which provides $53 billion in emergency appropriations for the microchip industry with no strings attached.

Let me repeat that. We are talking about more than $53 billion in Federal funds, and by the way, I suspect there will be more taxpayer money coming to these corporations from State and local government with no strings attached.

Do we need to expand the microchip industry in this country so we can become less dependent on foreign countries? Yes. But we can accomplish that goal without throwing money at these companies with no protections for the taxpayers.

In total, my guess is that five—one, two, three, four, five—major semiconductor companies will likely receive the lion's share of this taxpayer handout. Those companies are Intel, Texas Instruments, Micron Technology, Analog Devices, and NVIDIA.

I should also point out that these five companies made nearly $35 billion in profits last year combined and spent more than $18 billion buying back their own stock.

I should also point out that these five corporations combined paid their CEOs a combined $85 million in compensation last year.

Further, it is important to point out that this is an industry that received nearly $6 billion in government subsidies and loans over the years, and it is an industry that has shut down over 780 manufacturing plants in the United States and eliminated 150,000 American jobs in the last 20 years—29 percent of its workforce—while moving most of its production overseas. In other words, over the years, in order to make more money, they decided to outsource their operations and, in the process, throw American workers out on the street.

So let's be clear what is happening here. In order to make more profits, these companies took good government money and then offshored good American jobs. Now, for that bad behavior, these same companies are being rewarded with some $53 billion in no-strings corporate welfare to undo the damage that they did.

That may make sense to somebody; not to me. That is why I have introduced Senate amendment No. 4722, which would prevent microchip companies from receiving taxpayer assistance unless they agree to issue warrants to the Federal Government. If private companies are going to benefit from over $53 billion in taxpayer subsidies, the financial gains made by these companies must be shared with the American people, not just wealthy shareholders.

In other words, all this amendment says is that if these companies want taxpayer assistance, we are not going to socialize all of the risks and privatize all of the profits.

Let me be very clear. This is not a radical idea. These exact conditions were imposed on corporations that received taxpayer assistance in the bipartisan CARES Act, which passed the Senate 96 to nothing. In other words, every Member of the U.S. Senate has already voted for the conditions that are in my amendment.

CARES was not the first time that Congress passed warrants and equity stakes tied to government assistance. During the 2008 financial crisis, Congress required all companies taking TARP funds to issue warrants and equity stakes to the Federal Government.

The bottom line is that taxpayers should not just be handing out money to large, profitable corporations and well-paid CEOs. They deserve to benefit as well.

In addition to making sure that companies allow for warrants and equity stakes, this amendment would require that these companies cannot buy back their own stock, nor outsource American jobs, nor repeal existing collective bargaining agreements, and remain neutral in any union organizing efforts.

Here is something else—I think people think that I am kidding here, but I am not; this is really true—here is something else that is in the so-called competition bill that must be addressed. Unbelievably, this bill would provide and authorize some $10 billion in taxpayer money to Jeff Bezos, the second wealthiest person in America, for his space race with Elon Musk, the wealthiest person in America. This is beyond laughable, and I will be introducing an amendment to strike this provision. Frankly, it is not acceptable. It is not an issue that we have discussed terribly much, but it is not acceptable that the two wealthiest people in this country, Mr. Musk and Mr. Bezos, take control of our space efforts to return to the Moon and maybe even the extraordinary accomplishment of getting to Mars. This is not something for two billionaires to be directing; this is something for the American people to be determining.

Let me just say a few words about why there is so much waste and fraud and abuse in the military. Again, I always find it amazing how, when it comes to programs directed at ordinary people, low-income people, all kinds of investigations and all kinds of language about how we have to protect the taxpayer from fraud, but when it comes to the massive amount of money that we put into the Pentagon, not a whole lot of attention paid to that.

One of the reasons that we have so many cost overruns and one of the reasons that we have so much fraud and so much abuse is that the Pentagon has been unable to pass an independent audit 30 years after Congress required it to do so—30 years.

I think one of the points that need to be remembered is that on September 10, 2001, 1 day before the terrible attack on our country, then-Secretary of Defense Donald Rumsfeld said, talking about the Pentagon:

> Our financial systems are decades old. According to some estimates, we cannot track $2.3 trillion in transactions. We cannot share information from floor to floor in this building—
>
> The Pentagon—
>
> because it's stored on dozens of technological systems that are inaccessible or incompatible.

Yet, 20 years after that statement—a rather profound statement by then-Secretary of Defense Donald Rumsfeld—the Pentagon has still not passed a clean audit despite the fact that the Pentagon controls assets in excess of $3.1 trillion or roughly 78 percent of what the entire Federal Government owns.

Just this week, the Pentagon announced that it will fail its fourth consecutive financial audit in a row. That is why I have introduced an amendment with Senator GRASSLEY that would require the Pentagon to pass a clean audit this year. If it fails to do so, 1 percent of its budget would be returned to the Treasury each year until it obtains a clean audit operation. I think 30 years is maybe just enough time to make that demand.

I think that at this moment in American history, it is appropriate for the American people and for my colleagues here in the Senate to remember what former Republican President Dwight D. Eisenhower said in 1953 when he was President.

As we all recall, Dwight D. Eisenhower was a four-star general, not a politician, who led the Allied Forces to victory in Europe during World War II. So this was no peacenik. This was a man who saw more death and more military battles than probably any human being should have to.

This is what Eisenhower said:

> Every gun that is made, every warship launched, every rocket [fired], signifies in the final sense a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children.

That was Dwight D. Eisenhower, and that is what he said 68 years ago. It was true then. It is even more true now.

If the horrific coronavirus pandemic has taught us anything—a pandemic which has cost us now almost 700,000 lives—it is that national security means more than just building bombs or missiles or jet fighters or tanks or submarines or nuclear warheads and other weapons of mass destruction. National security also means doing everything that we can to protect the lives of ordinary Americans, many of whom have been abandoned by their government for decades. These are people, right now, who are struggling to put food on the table, people who are now experiencing a lower life expectancy than was the case in the past, and these are people who, in many instances, when they get sick, can't even afford to go to a doctor.

When we analyze the Defense Department's budget, it is important to note that Congress has appropriated so much money to the Defense Department that the Pentagon literally does not know what to do with it. According to the GAO, over the course of 11 years, the Pentagon returned an astonishing $128 billion in excess funds back to the Treasury.

And, over the past two decades, while we have funneled out money to the defense contractors, it is important to note that virtually every major defense contractor in the United States has been fined for misconduct and fraud, all while making huge profits. Since 1995, Boeing, Lockheed Martin, and United Technologies have paid over $3 billion in fines or related settlements for fraud or misconduct. Meanwhile, the CEOs of these large defense companies enjoy incredibly large compensation packages—in fact, on average, over 100 times more than does the Secretary of Defense.

I have also filed an amendment with Senator MARKEY and Representative RO KHANNA, in the House, to finally end all U.S. support for the Saudi war effort in Yemen. This amendment simply codifies the prohibition on support for the Saudi war, and it already passed both Houses of Congress, in 2019, in a bipartisan way. At that time and in 2019, various officials now in the Biden-Harris administration signed a letter supporting this measure. The House has already passed this amendment for the third consecutive year. It is long overdue for this provision to be included in the final Defense policy bill that is sent to the President's desk.

In addition to Yemen, I have longstanding concerns about the situation in Gaza. That is why I have introduced an amendment to request a series of reports on the humanitarian crisis in Gaza and on steps that the United States can take to ease that crisis and bring desperately needed humanitarian and reconstruction aid to the Palestinian people in Gaza.

I would also point out that, when I talk about healthcare, I talk about dental care, and I think most healthcare experts understand that dental care is part of healthcare. In my home State of Vermont, veterans who are eligible for dental care at the VA have no access to a VA dental facility. That is why I have introduced an amendment to the NDAA to require the Department of Veterans Affairs to maintain a dental clinic in every State of this country so that all veterans have access to the dental care that they need.

I believe in a strong military, but I do not believe that we can keep throwing more money into the Pentagon than it needs at a time when working families all across this country are struggling to put food on the table for their kids and when 140 million Americans can't afford the basic necessities of life without going into debt.

In 1967, Dr. Martin Luther King, Jr., warned us that ''a nation that continues year after year to spend more money on military defense than on programs of social uplift is approaching spiritual death.''

Dr. King was right. That was true in 1967. It is true today.

Let me just conclude with another quote from one of the great Republican Presidents in American history, and he is Dwight D. Eisenhower. This is what he said as he was leaving office back in 1961.

He said:

> In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

That was Dwight Eisenhower, and what he was talking about was the incredible power then of the military-industrial complex—of the revolving door, where people go from the military into defense companies. It was true then; it is truer now; and that truth is manifested in the fact that we have a bill which is now spending $25 billion more than the President of the United States requested.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from Florida.

UNANIMOUS CONSENT REQUEST—S. 3224

Mr. SCOTT of Florida. Madam President, as empty shelves grow more and more common, prices are surging higher, and small businesses can't access the goods they need to serve their customers. Joe Biden's supply chain and inflation crises are devastating for so many Americans, but it is our poorest families—those on low and fixed incomes, like mine growing up—who are hurt the most.

Just last week, we saw the new CPI inflation data come out. Rates are the highest they have been in more than 30 years. Every month, when I see Biden's new inflation numbers come out—and they are always worse than the month before—I think about my mom. Growing up, I watched my mom struggle every day just to put food on the table and make ends meet for our family. Now countless families across America are dealing with that same struggle today all because of Joe Biden's reckless, socialist policies, like his unconstitutional vaccine mandates. These policies are fueling inflation and the current supply chain crisis, but Biden and his administration do absolutely nothing to fix it.

Throughout my years in business and 8 years as the Governor of Florida, I learned that, when you are trying to solve a problem, the best place to start is by bringing people together. When hurricanes devastated Florida, and we had to deal with restoring power and communication services and getting resources where they were needed most, we brought people together and got to work to solve problems, but you don't see any of that with this administration.

Just look at inflation. I have been talking about inflation nonstop all year, and it is getting worse and worse and worse. Biden has totally ignored it. His administration has attacked people like Larry Summers and me. Larry Summers is a Clinton-Obama appointee who warned early on that reckless spending was going to fuel a massive inflation crisis.

Now we are seeing the same thing with Biden's supply chain crisis. I have called on Commerce Secretary Raimondo and Transportation Secretary Buttigieg to come before the Commerce Committee and testify about what they are doing to resolve this problem. They haven't shown up. We haven't had a single hearing on this crisis in the Commerce Committee. I have seen them on TV dismiss the severity of the problem. I was surprised to see that Secretary Buttigieg had time to attend a bill signing but still hasn't been to California to get working on the massive supply chain issues that are stranding dozens of ships off the California coast.

Unlike the Biden administration, I am not going to sit around and play TV commentator. Families in Florida expect and deserve more than that. That is why I was proud to partner with my friend and colleague Congressman CARLOS GIMENEZ to introduce the Supply Chain Emergency Response Act to get products flowing to American families and businesses again. Our legislation is simple and common sense. Congress passed the CARES Act to help our economy survive the effects of COVID and the economic lockdowns. We know that much of that money remains unspent and that it could be used for far more important purposes.

We also know that there are dozens of ships waiting to dock and be unloaded at California ports right now. Our bill would redirect $125 million of unspent, unobligated CARES Act funds to help pay for the costs of moving cargo ships, which are waiting to dock on the west coast, through the Panama Canal, so they can dock along the east coast, including in States like Florida. I am going to be clear. This bill does nothing to mandate that ships be redirected to the east coast. It simply provides an option and the funding to offset some of the costs. The bill would also allow Governors to use their unspent and unobligated CARES Act funds to offset port fees and other related State-level expenses. It is the pretty simple idea of using the money meant to help with the economic recovery to actually help with the economic recovery.

Just last week, at the Port of Palm Beach, I had a meeting with port and business leaders who are seeing the delays and effects firsthand. Their businesses are hurting and are left waiting for weeks and months for the resources they need to run their businesses and serve their customers. We need a solution, and Florida's ports are ready and able to help with this crisis, and with the holidays getting closer and closer, we can't waste any more time.

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3224, which is at the desk. Further, I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The junior Senator from Washington.

Ms. CANTWELL. Madam President, reserving the right to object, I know my colleague—well, I assume my colleague is sincere about his interest in doing something about our issues of port congestion and supply chain issues, but I disagree with his approach here today.

I have, personally, worked very hard on increasing the amount of investment in port infrastructure that was in the bill—just signed by the President on Monday—that helps to increase port capacity around the United States. Why? Because we have seen, even in a pandemic, an increase in trade and port activities. So, yes, we have to invest in our infrastructure.

I take disagreement with my colleague's characterization that the President hasn't done anything because the President has helped at L.A.-Long Beach in reducing the congestion, and he has put in place a better COVID response process. My colleagues need to understand that longshoremen died in the COVID pandemic while delivering goods and products to us in the United States of America. They died. So getting a better response in vaccination for people working on our docks is incredibly important. So the President has done something. He has got a better COVID response; he has basically helped at reducing congestion; and he has got a plan to invest in our ports all over the United States of America.

I know my colleague wishes that it would be so simple, but these shipping companies are reporting more than $200 billion in profit—$200 billion in profit even during the pandemic. So they are not lacking for money. And, if they wanted to go to those ports, they would go to those ports. We heard from one of the big shipping associations that going anywhere, just to say that you want to go there when there are logistical and cost reasons that don't likely bear out, eventually, the customer really just wants to go where the customer wants to go.

That is why it is so important to invest in our ports. That is why we led the charge for a $2.25 billion investment. Why? Because 95 percent of consumers live outside of the United States. And if we want to be involved in the trade economy, we should invest in our infrastructure to get product to and from our citizens, to other citizens of the world, the 95 percent who live outside of the United States.

So I don't think giving shippers—who are having a recordbreaking profit year—more money is going to make them go to other ports. So I do hope that we continue to look at ways to catch up from the fact that production in many areas of our economy were off. There is no bigger example than the 8-percent reduction in oil from OPEC in 2020.

Talk about something we need to address, my colleagues and I sent a letter to President Trump about high oil prices in 2018, and we recommended these various things that the President should do: leverage a relationship with the Saudi Crown Prince to urge them to increase capacity in world oil supplies, make sure the energy Secretary

is communicating that with Vienna and OPEC nations, initiate world-trade disputes regarding countries' anti-competitive practices, work with our European allies and China and make sure that they are working on this issue. We just had a hearing this morning asking the FTC, if they do see any kind of manipulation or moving of supply, please investigate it; and, in this case, we said, Abandon the Trump administration's rollback of fuel economy standards.

Because guess what Americans want when there are high oil prices? They want fuel-efficient cars.

That also is what we just legislated, and that is why we need to keep working on this issue, because as long as we are in a world oil market, and as long as we are under these pressures of OPEC, we are never going to win the day. The best way to win the day is to get an economy that is less dependent on those prices being impacted by OPEC.

Now, I may shock some people here this afternoon, but I am for getting rid of the Trump 301 tariffs. These have cost us enormously in the Pacific Northwest—higher seafood costs, higher equipment costs, higher cost on agriculture products, higher costs on aerospace.

So we have had the two dilemmas of a COVID pandemic taking a workforce out of production, literally. I don't know if my colleague supported the aid to the airline industry or not, but basically COVID hit, it ended up costing over 15,000 jobs in the aerospace sector in my State—gone, gone, gone. So not here today.

If you imagine, if that happened with the airline production—why? Because what airline was going to buy a new plane? It wasn't going to happen.

People are saying now they don't think it is going to happen until 2023 or 2024, even though there are some announcements happening now. In general, people don't think that the airline sector is going to recover to where it was before for several years.

So just imagine if every other sector did the same thing, that reduced their workforce in response to COVID, and now we are seeing the impacts of that.

So what do we do? Let's be smart about each of these cost areas and figure out what we can do to reduce those costs.

Giving $125 million to basically the shipping companies of the world that basically have made record profits—one company said that was the biggest profit last year that they have made in 117 years. OK. So they don't need more money to just go from LA, Long Beach to Miami.

But I want the Senator of Florida to know I actually believe in his port economy. I don't know what is going to happen to the port economies of the world. I don't know if we are going to switch dynamics.

We have supported freight investment because freight can't wait. If you don't have good freight movement, you are going to lose to some other country. So we supported that.

In fact, I see my colleague from Maryland here. The director for the Port of Baltimore came and became the director of the Port of Seattle. And I said: Do you think if we invest in freight, moving freight, somehow we might lose to the west coast and other places?

He said: The business is just going to continue to grow, and everybody will lose if we don't increase more efficiencies.

That is the objective: increase more efficiencies at every port.

I know the Presiding Officer from the Great Lakes wants to do the same thing, increase the capacity and efficiency of the Great Lakes. Let's get an icebreaker. Let's invest in port infrastructure. We led the charge. Why? Because I know that the Presiding Officer today knows that the competitiveness of your State in Wisconsin depends on manufacturers getting those products made and outside your State and on to a world market.

That is what is going to help us with our economy and reducing price, is to get production up and to get product moving efficiently.

So if my colleague—and I sincerely offer this—wants to help me, because I guarantee you not everybody on my side is going to call for this, but I am definitely calling for a repeal of the 301 Trump tariffs. I didn't approve them when he did it the first time because these kind of punitive tariffs just basically exacerbated the problem with retaliatory tariffs, and those retaliatory tariffs are costing us right now.

I know that Secretary Yellen is looking at this, I know that USTR is looking at this, and I would just encourage the President to look at this. And I would encourage the President to do everything he can to work with our nation countries to put pressure on OPEC, just as we did before, to try to address this issue on price. But let's work not on reducing the cost to shipping companies that don't need anything because they have seen record profits; let us instead invest in our ports and our ports economy.

So, Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Florida.

Mr. SCOTT of Florida. Madam President, I appreciate my colleague, and I am proud to serve on the Senate Committee on Commerce, Science, and Transportation with her.

Just remember, what we are talking about here is a supply chain problem, and let's not ignore a very important fact. That committee has not held a single hearing on this crisis.

I have been calling for Secretary Buttigieg and Secretary Raimondo to testify in the Commerce Committee on Biden's supply chain crisis for weeks and haven't seen one bit of action taken to make that happen. I don't think we can wait any longer. American families can't wait any longer.

Biden's supply chain crisis is hurting American families everywhere right now. The President's failed policies and unconstitutional vaccine mandates are stifling business growth, crippling our supply chain, and fueling his—his—inflation crisis. Restoring our supply chains is critical to getting the American economy rolling again and something President Biden doesn't seem to understand, but we need solutions.

I actually feel sorry that my Democratic colleagues have to cover for the President's failures instead of actually helping the American people. Passing this bill today would have given us the opportunity to provide some needed relief in the supply chain and help lower costs for American families who are worried about whether they will be able to afford Thanksgiving dinner and Hanukkah gifts and holiday gifts.

We need solutions now, and today's inaction is a perfect example why the American people don't trust Washington to get anything done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

NOMINATION OF DILAWAR SYED

Mr. CARDIN. Madam President, earlier this afternoon, I convened a meeting of the Small Business and Entrepreneurship Committee as its chairman. We had noted an agenda to act on the nomination of Dilawar Syed to be the Deputy Administrator of the Small Business Administration.

This was not our first attempt, and I am going to outline all the efforts that we have made to get a vote on Mr. Syed. But to my disappointment, the Democrats were there ready to vote on the nomination.

We also had two important pieces of legislation that we were scheduled to vote on, and every Republican refused to show up, denying us a quorum to be able to conduct business.

Let me share with my colleagues the state of play on this individual and on this nomination. President Biden nominated Dilawar Syed to be the Deputy Administrator of the Small Business Administration on March 3. He is a well-qualified entrepreneur and a small business advocate.

After reviewing his paperwork and ethics agreement, the committee held a hearing on Mr. Syed's nomination on April 21. Now, during that hearing, Ranking Member PAUL raised serious concerns about PPP and Economic Injury Disaster Loan—EIDL—received by Lumiata, a tech company from which Mr. Syed serves as the CEO. After weeks of negotiations, I brokered a compromise between Ranking Member PAUL and the SBA that provided access to the company's loan applications.

On June 8, I personally sat down with Ranking Member PAUL and a representative of the Small Business Administration outside the Senate Chamber to review those documents and ensure that the loans were properly attained, which they clearly were. The

following day, the documents were made available to all of the committee members on the Small Business Committee.

Now, what that record showed is that those loans were taken out in regular order, that they were entitled to the PPP loan and the EIDL. But it also showed something that was quite remarkable. Mr. Syed returned the PPP loan without forgiveness. He was entitled to forgiveness, but, as he said, he was able to get access to additional capital and didn't need the government help and thought it was the right thing to return the loan without forgiveness. What exemplary action.

Satisfied that we had resolved the issue, Senator PAUL agreed to my request that the committee schedule a vote to report out the nominee on June 16. After achieving a quorum of Senators, I moved to report the nomination by voice vote, as requested—a common practice in the Senate. A few Republican members asked to be recorded as voting no, which is also a common practice in the Senate.

However, we were later informed by the Senate Parliamentarian that the nomination could not be reported to the full Senate because a Republican staff member raised an objection that there had not been a rollcall vote in our committee.

A new objection was then raised based on Mr. Syed's involvement in Emgage, a nonprofit organization that supports the Muslim-American community. One Republican office even circulated an email that focused on Mr. Syed's Muslim religion and place of birth.

Two weeks after the meeting, on June 30, I received a letter from eight Republican members suggesting that Mr. Syed's involvement in Emgage was evidence of an Israel bias and support for Boycott, Divestment, and Sanction movement—the BDS movement. This is 2 weeks after we have already had our first committee vote.

Mr. Syed had a relationship with this company, and this company had no record of this type of bias. Mr. Syed responded to these concerns in a letter that he stated he is ''a proud first-generation Muslim-American but also pro-Israel.''

He clearly stated that he does not support the BDS movement and believes ''Israel to be a major partner in supporting the growth of America's innovative small businesses.''

Several Jewish organizations have come to Mr. Syed's defense. For example, the American Jewish Committee wrote:

> The unsupported accusation that somehow Jewish businesses are those with ties to Israel may not fare as well under Mr. Syed's leadership in the Small Business Administration . . . has no factual grounding. Indeed, he has specifically disavowed support for the . . . (BDS) movement. . . . AJC rejects the charge that simply an affiliation with Emgage would reflect negatively on an individual, organization, or agency.

And AJC went even further and called the Republican accusations against Mr. Syed ''un-American.''

On Thursday, July 15, the committee again attempted to hold a business meeting to report out the nomination.

We thought we had resolved all the issues. We resolved the issues concerning the loans. Everybody agreed they were proper. There was no concern about Mr. Syed's views in regards to Israel. That had been resolved.

So, Mr. President, I was puzzled that, on the July 15 meeting, all 10 Republican members boycotted the meeting and a reporting quorum was not achieved. We couldn't take action. I couldn't understand why because we had resolved the two issues—the first issue, and then it changed to a second issue.

But it was not until a week later that committee Republicans changed course again and developed a new line of attack, this time linking the nomination to PPP loans received by entities of Planned Parenthood.

On July 22, all 10 committee Republicans released the following statement:

> The SBA has wrongfully approved nearly $100 million in taxpayer-funded Paycheck Protection Program loans to Planned Parenthood branches across the country. On June 30th alone, SBA approved four PPP loans to Planned Parenthood affiliates despite a determination from the last Administration that these entities were ineligible for the program. We will not allow a vote on this nominee until the SBA takes action to recover the wrongfully acquired PPP funds by Planned Parenthood entities.

Mr. President, I am going to go through in detail as to how these loans were not improperly given and that the ground rules we set up were followed by Planned Parenthood and other nonprofits of similar type of organization.

Where they came up with this line is still somewhat of a puzzlement to me since my Republican colleagues were engaged with us in developing the PPP program and the eligibilities for the PPP program.

Since that date, I have tried several times to hold business meetings to report out the nomination, but Republicans would not attend markups that I attempted to hold on September 21, November 4, and again today. On September 29, I attempted to discharge Mr. Syed's nomination from the committee by unanimous consent—that is after our voice vote that had already approved his nomination—but Ranking Member PAUL objected to my request on the Senate floor.

The Planned Parenthood issue predates the Syed nomination and even the Biden administration. It goes back to March of 2020 when this committee took the lead—the Small Business Committee took the lead in drafting the bipartisan CARES Act.

I was proud to be part of a team that includes Senator SHAHEEN, Senator RUBIO, and Senator COLLINS. We sat down and went line by line drafting the PPP legislation that we are talking about. We negotiated back and forth in good faith on the provisions of this bill. It was truly a bipartisan effort.

Republicans controlled the Senate. We worked with the Republicans, and we came up with a bipartisan bill to help America's small businesses. That legislation made 501(c)(3)s—nonprofits—and veteran nonprofit organizations with up to 500 employees eligible for the PPP loans. This was a mutual decision. We knew it had some controversy associated with it. There are faith-based groups that people have some concern about getting government support. There are different organizations that people might have a concern. But we felt that during this pandemic, it was important to preserve our small business entities, whether they were for-profit or nonprofit, and that was a bipartisan decision that was made by Democrats and Republicans.

During the negotiations of March 2020, then-Chairman RUBIO added language to an early draft that would have prohibited nonprofit entities that receive Medicaid assistance from getting PPP loans. This was presumably an effort to deny Planned Parenthood the opportunity to participate in the program. But because of the way it was drafted, it also affected a lot of nonprofits. It affected programs such as domestic abuse centers or homes for the disabled. It was soundly rejected in our group as not being a workable restriction, that we could not support that type of prohibition.

So we negotiated back and forth, and we could not resolve the issue. Eventually this issue, along with other issues that we couldn't resolve, was taken up to the joint leadership of the Senate Republicans and Democrats who were trying to resolve issues that we couldn't resolve in our committee deliberations. It was at that level that a compromise was reached to add language that applied the SBA affiliation rules to nonprofits—not the Medicaid language but the affiliate rules. We had no objection to that. We felt that nonprofits should be subject to the same restrictions as for-profit entities as far as whether they were truly independent or part of just a national group, whether there was control on the affiliate. So we thought that made sense.

In April of 2020, the SBA, under the Trump administration, released guidance on applying the affiliation standards to nonprofits, which is where we are getting to the determinations made by Planned Parenthood.

The part of the affiliation that applies to nonprofits relates to common management. I am going to quote for the RECORD. I have the full statement here of what the affiliate rules were, but let me just read into the RECORD the relevant section that applies to the controversies—I don't think it is controversies—the Republican controversy on Planned Parenthood.

> Affiliation arises where the CEO or President of the applicant concern (or other officers, managing members, or partners who

control the management of the concern) also controls the management of one or more other concerns. Affiliation also arises where a single individual, concern, or entity that controls the Board of Directors or management of one concern also controls the Board of Directors or management of one [or] more other concerns. Affiliation also arises where a single individual, concern or entity controls the management of the applicant concern through a management agreement.

Now, the question is, Does the national group control the personnel and board of the affiliate? That is how the rules apply.

Planned Parenthood of America determined its entities were eligible because it does not exercise control over its member organizations and does not have a common management. Each member organization is its own independent, not-for-profit, tax-exempt organization with its own independent board of directors that is solely responsible for the hiring and retention of its CEO. Planned Parenthood of America does not have the power to remove CEOs or directors from its individual member organizations.

Now, Mr. President, this type of federated structure is common in the nonprofit world, and it is the reason why nonprofits such as the YMCA and Boys & Girls Clubs also qualified and received PPP loans, forgivable loans. We recognize that they have a large national structure, but the individual entities are small entities and are independently managed and controlled.

In May of 2020, under the Trump administration, 38 Planned Parenthood entities received correspondence from Associate Administrator Bill Manger with a preliminary finding that the entities may not be in compliance with the affiliation rules.

To my knowledge, Mr. Manger only sent letters to Planned Parenthood entities, not to any of the other similarly structured entities. Now, I say that because we now have learned that there was a list—a hold list of a much larger number of entities that there was a concern as to whether they qualified under the affiliation rules, but only Planned Parenthood received the May 2020 letter, not the other groups that had a similar structure.

The letter that was sent out is titled ''Notice of Investigation and Request for Records.'' This was sent out in May 2020 to 38 Planned Parenthood entities. The Planned Parenthood entities responded to these letters. They contested the finding. Every Planned Parenthood company that received correspondence in May of 2020 contested its findings. The letter is pretty detailed in what it spells out. It spells out all the reasons why they comply with the affiliation rules, and it talks all about it, about all the different reasons why they were qualified to receive their funds.

Mr. President, it ends with this line. This is how Planned Parenthood responded to the May 2020 letter:

I trust that this response resolves the matter.

May 2020.

Nine months later, under the Trump administration, no additional action that we are aware of was taken by the SBA to contest Planned Parenthood's eligibility for the PPP money, so it was clear that the Trump administration decided not to take action.

So where are we now?

It is also important to note that PPP loans were not used by Planned Parenthood to provide any health services. We are not talking about providing health services here. The law is very specific as to what the funds can be used for: payroll costs, healthcare benefits for the employees, paid leave for the employees, allowance for dismissal or separation, interest on mortgage expenses, rent and utilities, interest on debt prior to February 15, 2020.

I was somewhat puzzled by all of this, but in an attempt to broker another compromise, after dealing with whether the PPP loans and the business entity were proper, whether there was any semblance of concern about his attitude in regards to Israel—having satisfied that, I made another effort to try to deal with Senator PAUL and the members of the committee to see what they wanted.

Mr. Syed had nothing to do with these loans. Mr. Syed is fully qualified. The SBA needs a Deputy Administrator confirmed to deal with all of the programs that we have passed in the last 2 years to help small businesses. They need a confirmed manager to work between us and our constituents and make sure these programs are working effectively.

So what else could I provide? Yesterday, I invited all of the Republican members to come to my office—or come to the small business office and we would make available all of the information SBA has in regards to these Planned Parenthood loans. They will make it available—all the loans that were given out, when they were given out, what was forgiven, what was not forgiven, second-round PPP loans, all of it. I don't know what else we can do. Not one showed up to review the information.

I can appreciate the fact that this issue may make Republicans who oppose Planned Parenthood politically uncomfortable. I can understand that. But Democrats also disagree with views of many organizations that received PPP loans.

Last December, the Washington Post reported that 14 organizations designated as hate groups by the Southern Poverty Law Center or the Anti-Defamation League received PPP loans. These are legal entities that qualified for the program because we can't draft it based upon the mission of a particular organization; we have to draft it in a way that those that are legitimate businesses and operations can qualify for the loans. And we did that. We don't judge who we are giving the money to, whether we like what they are doing or not. That is not what this is about.

As I said in the committee a little earlier today, it is important for the Small Business Committee to get back to its bipartisan tradition.

I hope that my Republican colleagues will accept the information that we have made available, work with us, and let's get Mr. Syed confirmed. Let's get him confirmed because he is the right person for this position at this time. The SBA desperately needs a confirmed Deputy Administrator, with all the work that we put on them, and all the help. Our small business community needs to have an accountable, confirmed Deputy Administrator so that they have an accountable person who can work with us to make sure our programs are not only administered properly but we get the information to modify these programs to make them work moving forward. We are already in the process of considering additional legislation. It is so important to have a confirmed Deputy Administrator of Mr. Syed's experience in order to help us with that.

I must tell you, Administrator Guzman is doing a fantastic job. She is one person. She needs a Deputy. It is time that we get this person confirmed. There has not been an articulated reason why this person should not be confirmed.

Mr. President, I know we have had this debate on nominations that are here on the floor. We are wondering why people vote against them. I can't even get a vote in our committee on this because the Republicans won't show up for a vote.

I think, in respect for the system, it is important that the Small Business Committee have an opportunity to vote on Mr. Syed's nomination, which I hope then would be on the floor promptly for confirmation.

I see that Senator LEE seems to be on the floor.

I yield the floor.

The PRESIDING OFFICER (Mr. KAINE). The Senator from Utah.

UNANIMOUS CONSENT REQUEST—S. 3225

Mr. LEE. Mr. President, yesterday, I came to the Senate floor and spoke on President Biden's vaccine mandate. I explained that I have now come to this Chamber a total of 16 times and offered 12 different bills that would counteract, limit, or, in one way or another, restrain the vaccine mandate. I also explained that, unfortunately, each of these bills has been rejected by Democrats in the Senate.

I have spoken to Utahns and folks from across country who have expressed to me their frustration at moving goalposts and changing expectations in the middle of the pandemic. President Biden's vaccine mandate, which has been halted now by the U.S. Court of Appeals for the Fifth Circuit, happens to be among the latest attempts to force Americans to make health decisions under the threat not just of unemployment but also under the threat of becoming unemployable.

That is a taxing burden for anyone to bear. Anyone who has kids at home or

if they don't have kids at home, if they are just supporting themselves, these days all Americans are helping someone or something that they love, that they care about, and they ought to have the opportunity do that. They ought not have their ability to make a living threatened by virtue of a distinct religious belief or a particular medical concern or a particular desire not to receive a particular treatment.

I will reiterate here what I have said before. I have been vaccinated. My family has been vaccinated. I believe that the vaccines are helping countless Americans be protected against the dangers of the COVID–19 virus.

Just the same, there is a big difference between believing the vaccine does good and receiving the vaccine, on the one hand, and, on the other hand, saying that anyone who disagrees or who thinks that it is not right for them, for one reason or another, ought to be fired from their job and rendered unemployable as a result. That is very, very different. That is something that very few Americans would agree is right.

In fact, according to a recent Axios poll, only 14 percent of Americans believe that someone who decides not to get the vaccine should be fired as a result of that decision.

Now, in some lines of work, this sort of thing is already coming into play. For example, our military servicemembers and frontline workers who sacrificed so much to care for and protect the American people during the pandemic are already being forced out of work. I have heard from many members of our Armed Services from Utah who are being discharged under less-than-honorable conditions and under conditions that are in no way, shape, or form appropriate in light of their many, many years of faithful, honorable service to this country. They are losing their jobs—and not just their jobs but also their benefits, their dignity, their ability to serve further. You know, I have introduced and offered up a bill that would help them, but Democrats objected to that.

On November 4 of this year, a couple of weeks ago, the Centers for Medicare and Medicaid Services—known as CMS—imposed a requirement that all healthcare workers at facilities participating in Medicare and Medicaid be vaccinated by January 4. This requirement, if it takes effect, will affect millions of Americans in tens of thousands of care centers across the Nation. And unlike the mandate imposed by OSHA, which has now mercifully been stayed, at least for the pendency of the litigation pending in the U.S. Court of Appeals for the Fifth Circuit, this mandate—this particular mandate—gives no option for testing if someone has religious, moral, or medical objections to the vaccine.

Now, let's just think about this on an individual level. There are nurses in this country who worked faithfully and tirelessly throughout the pandemic, without regard to their own circumstances, in some cases without regard to their own health, their own sanity, putting their lives at risk at times. They have gone to work caring for others, and they have saved lives in the process. They accepted the risk, and they were rightfully heralded as heroes for doing that. They still are heroes, and they still should be heralded as heroes. But many of these same nurses caught COVID at work and have recovered. They are, in fact, heroes.

But now the Biden administration is giving them an extraordinary—and I would add extraordinarily cruel—ultimatum; one that I don't think I have ever seen in government; one that I didn't ever expect I would see in government. Those very same doctors and nurses and other healthcare workers—the same people we appropriately described as heroes—can either get a medical procedure they don't want or lose their current employment and any future realistic prospect of employment.

Let that sink in for a moment. What if this were you? What if this were your spouse or your child, someone you loved? What if this were your friend or your neighbor? The truth is, these people fit into all those categories. They are not our enemies. They are our friends, our neighbors, our family members, our loved ones. At a minimum, they are people who served valiantly throughout a pandemic, and they should not be punished; they should be thanked.

These heroes will be thanked for their service with a pink slip and a boot out the door as they become outcasts in the very profession that they have selflessly chosen and the very profession for which they have spent a lot of money and a lot of time receiving training and the very profession to which they dedicated their lives. What a tragedy. What a needless, senseless tragedy.

These are not abstract anecdotes. This isn't just hypotheticals, speculation. No, not at all. I have heard from hundreds of Utahns who risk losing their employment if these vaccine mandates take effect. They are everyday Americans. They are good Americans. They are valiant Americans. Oftentimes, they are struggling to make ends meet and to feed their families. They are our neighbors, our friends, our caretakers, our heroes. They deserve the respect that is necessarily implicit in the ability to make decisions for themselves, including these decisions for themselves.

Additionally, as a practical matter, it is extremely foolish to be pushing healthcare professionals out of their jobs at the precise moment when our healthcare system is under such incredible strain. Hospitals are understaffed as it is. I mean, a lot of places are understaffed. Hospitals are particularly understaffed even without this mandate. So requiring medical facilities to fire perfectly good doctors and nurses and technicians is only going to further strain our system and place more Americans at risk of serious harm.

So today I am offering my 13th bill in the effort to curb the vaccine mandates. My Respecting Our Frontline Workers Act would simply prohibit any Federal Agency from requiring that staff and healthcare facilities be vaccinated against COVID–19 as a condition of that facility being able to participate in Medicare, Medicaid, and CHIP. But this bill would provide certainty to our Nation's healthcare heroes and honor the sacrifices that they have made to help Americans in need at a time when we were, as a country, facing great need. It will keep our healthcare system strong during what is still a really difficult time. This bill is the reasonable, compassionate answer to the current situation. I encourage my colleagues to support it.

To that end, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3225, which is at the desk; I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Oregon.

Mr. WYDEN. Reserving the right to object. Mr. President and colleagues, sadly, this is the third time I have had to come to the Senate floor to object to Republican proposals dealing with far-fetched claims about vaccines.

And today I am struck by one issue in particular because my background is working with senior citizens. I was the director of the Gray Panthers at home for almost 7 years. I ran the legal aid office for the elderly. I went into public service because of my passion for the cause of the elderly and trying to protect their well-being and keeping them safe.

It is almost as if this unanimous consent request ignores the extraordinary human toll COVID–19 took on senior citizens in nursing homes across the country: nearly 200,000 dead in nursing homes and other long-term care facilities since the beginning of the pandemic—mothers and fathers, grandmothers and grandfathers. That is roughly 1 in 10 residents in those nursing facilities, according to an analysis of State and Federal data by the COVID tracking project.

How many of those senior citizens died alone, without being able to spend their final hours or days with their loved ones? How many others of those fortunate enough to survive the pandemic were still separated from their family members for months and months and months in 2020?

We also know that the risks to nurses and doctor and EMTs were massive as well. One major investigation found that more than 3,600 healthcare workers died of COVID in the first year of the pandemic—the worst pandemic in a

century that our country is still wrestling with as we speak. Nobody in this Chamber should forget that just over the last week, there have been more than 1,000 COVID deaths per day.

And in my view, it doesn't do any good to unnecessarily suppress access to highly effective vaccines while there is a deadly virus circulating and mutating around the country and around the world.

Seniors who live in nursing homes and long-term care facilities are safer when the people around them get vaccinated. And I just hope that our colleagues will recognize the importance of that basic proposition. When Americans are vaccinated, they and the people around them, based overwhelmingly on the factual evidence, are less likely to die of COVID–19. And everybody ought to be interested in stopping this virus with these overwhelmingly effective vaccines. It shouldn't take a requirement to get healthcare workers to protect themselves and their patients.

As I close, I think—and, again, I am sad to have to come to the floor and get into this issue, but because of my background working with senior citizens, I think it is bad for senior citizens, bad for the elderly to continue these frightening remarks about vaccines and vaccine policies. They prolonged the pandemic. They led to more infections and deaths.

With respect to the proposal that is before the Senate, I simply don't believe Senators should oppose policies that would keep America's elderly citizens safer after the pandemic has cost so many lives of America's senior citizens. Therefore, I object.

The PRESIDING OFFICER (Mr. LUJÁN). Objection is heard.

The Senator from Utah.

Mr. LEE. Mr. President, I appreciate the thoughtful remarks from my friend and colleague, the distinguished Senator from the State of Oregon.

The Senator from Oregon and I have spent a lot of time working on a number of issues together. He and I agree on a number of issues and have worked together to ensure the privacy of the American people and make sure that they are protected from an overreaching government, one that sometimes has intruded on them in violation of the spirit, if not also the letter, of the Fourth Amendment.

I remember when I first came to the Senate, the Senator from Oregon took me to lunch and we had a good chat. He introduced me to a lot of concepts in the Senate and has always been a good friend to me.

I feel the need to respond to some of these issues. Yes, I, too, like my friend and colleague, the distinguished Senator from Oregon, wish that we didn't have to come to the floor to discuss these things. I wish that it weren't necessary because I wish that we weren't even talking about firing people, about people losing their jobs, becoming unemployed and possibly unemployable as a result of Federal policy that refuses to allow people to make decisions on their own.

Insofar as my friend, the Senator from Oregon, describes the policy of firing people who refuse to get the vaccine as necessary to protect the elderly, I would respectfully submit that quite the opposite is true. We are actually imperiling those who might need medical treatment the most, including the sick and the elderly.

Insofar as we destabilize our healthcare workforce—which, make no mistake, this maximum mandate does; it does that unquestionably—remember that the CMS mandate that we are talking about, unlike the OSHA mandate, doesn't give any option to allow for testing, for example, if someone has a religious or a moral or a medical objection to the mandate.

So what this really is going to do is it is going to take a lot of people out of the healthcare workforce and sideline them.

Yes, this is going to be devastating to those individuals. You are suddenly taking away their means of providing for their needs and those of their family. It would be absolutely devastating to them, as I mentioned a minute ago.

This is also a field in which they invested a lot of time and money—sweat, blood, and tears—to getting the education and professional certifications necessary to work in a field that has a lot of requirements attached to it, and with good reason. It is not good for anyone, least of all the elderly, to destabilize that same workforce.

Insofar as we are going to talk about what is better for the healthcare system, I just would respectfully reach the exact opposite conclusion of that proposed by my friend from Oregon. This isn't going to make things better. It is going to make things worse.

My friend from Oregon also described the approach that I am taking of protecting the individual healthcare worker's right to make an appropriate decision without government interference; described that and, as I understood it, my other efforts to try to curb the more egregious impacts of the vaccine mandates imposed by the Biden administration as somehow unnecessarily suppressing access to the vaccine.

I want to make very clear that just is not accurate. I would state that as not at all consistent with what I am doing. Not a single one of my proposals would suppress access to the vaccine.

Each time I have come to the floor and talked about these things, I have made very clear that I have been vaccinated. Every member of my family has been vaccinated. I have encouraged everyone I know to get the vaccine. The vaccine, really, is a medical miracle of sorts, and it is one that is protecting a lot of people.

Not everyone agrees with me. But the fact that they don't agree with me, the fact that they don't agree with President Biden or anyone else in government doesn't mean they should lose their job for it. But it sure as heck doesn't mean that firing them because they won't get the vaccine and then opposing the effort to force their firing would somehow amount to an act of suppressing access to the vaccine.

That is a logical syllogism that just doesn't work. In no way, shape, or form would we be suppressing access to the vaccine if we liberated the American people from an overreaching executive who is insisting that people be fired if they don't agree with the President's officially sanctioned view on vaccines.

My friend also noted that people are safer when they get vaccinated. I believe this is generally true. I don't think it is going to encourage more people to get vaccinated by telling them that they are going to get fired if they don't.

Particularly with the subject matter we are covering today, where we are talking about the CMS end of the vaccine, these are people who work in healthcare. These are people who are highly educated in it, who have professional certifications, in many cases, graduate degrees in healthcare. They can make their own informed decision as to what to do. I tend to believe that people are generally safer when they get vaccinated, but that doesn't mean that firing them is the right thing to do.

Look, finally, my friend from Oregon—and I don't use that term loosely. He and I talk regularly. He was in my office earlier today, and we were talking about an upcoming game between the University of Utah and Oregon. When he refers to frightening remarks regarding the vaccine, I am not sure what he is referring to. I hope he is not referring to remarks debating the merits, or lack thereof, of vaccine mandates. Nothing about these remarks should strike anyone as frightening.

What I think would be frightening would be if tens, if not hundreds, of millions of Americans are threatened with getting fired based on their refusal to get the vaccine. I don't think we will ever reach a point where there are that many people who decide not to get vaccinated. It is certainly not going to be hundreds of millions of people declining to be vaccinated.

But whatever the number is, it still doesn't make it right for the President of the United States to just decide arbitrarily that they either have to follow his medical advice and that of his administration or get fired; to choose between getting an undesired medical procedure, or, on the other hand, losing their opportunity to put bread on the table for their children.

It is not constitutional. It is not within Congress's power. Congress hasn't exercised that power. It certainly hasn't given that power to the President of the United States.

Regardless of all those statutory and constitutional arguments, this is a fundamentally, morally flawed proposition that says everyone has to get

this; and if you disagree, you will get fired; we will render you unemployed and unemployable. This is wrong, and it is especially wrong to do to our healthcare workers.

Let's not do this. I urge my friend and colleague from Oregon to reconsider. We can do better than that. The American people expect more. They demand better, and we need to listen to them.

The PRESIDING OFFICER. The Senator from New Hampshire.

NOMINATIONS

Mrs. SHAHEEN. Mr. President, I come to the floor today to discuss what are, sadly, the harmful impacts of ongoing partisan obstruction in the Senate.

Earlier today, at the Small Business Committee, our colleague, Senator CARDIN, who is chair of the Senate Committee on Small Business and Entrepreneurship, held a business meeting—I think about the fifth one—to try to advance the nomination of Mr. Dilawar Syed to be the Deputy Administrator of the Small Business Administration.

As we know, the Small Business Administration is a very important Agency under the best of circumstances. It does great work, but during this pandemic, for the past year, it has become absolutely indispensable as we tried to address the continuing economic impact of COVID on our small businesses.

In order for it to operate effectively, in order for us to hold the Agency accountable for administering the small business relief programs that Congress has designed to pass, we have an obligation to ensure that the Small Business Administration has a fully functioning and Senate-confirmed leadership team.

Unfortunately, as Senator CARDIN and others witnessed just a few hours ago, Republicans, again, on the Small Business Committee—all of the Republicans on the Small Business Committee—have orchestrated a complete blockade of Mr. Syed's nomination, preventing it from even coming to the floor of the Senate for debate and consideration.

And what is so confusing, Mr. President, is that there doesn't seem to be a reason to the Republicans' objections to Mr. Syed. It keeps changing. No one has raised any questions about Mr. Syed's competence or his experience or his suitability to serve as Deputy SBA Administrator.

In fact, several months ago, we tried to advance the nominee in our first effort in a business meeting by a voice vote, and several Republican Members of the Small Business Committee who are now participating in this obstruction voted yes at that time, including the ranking member.

Now it appears that this boycott is part of a pattern by just a handful of Members who simply want to stop any action that would allow the Biden administration to have a full complement of Senate-confirmed officials at critical Federal Agencies so they can then carry out their work as directed by Congress.

Unfortunately, I would also note that this partisan brinkmanship and obstruction doesn't end with domestic and economic matters. I want to point out, again, the dangerously slow confirmation process of our State Department nominees and ambassadors. Again, we have a few Republican Members of the Senate who are not just threatening our economic recovery and the health of our small businesses; they are threatening our national security by slowing the process to schedule nomination hearings for qualified nominees and by placing holds on their confirmation because of their own personal political issues.

I appreciate that some of those issues are very important. Nord Stream 2, I support, but holding these ambassadors, holding these State Department officials is not going to change what happens with Nord Stream 2. All it is going to do is make the United States less effective and less secure in the world.

Today, only 30 Ambassadors have been confirmed by the Senate. This administration had to wait over 200 days—200 days—for its first Ambassador to be confirmed, compared to only 62 days for the previous administration.

For the first 300 days of the previous administration, 55 State Department nominees were confirmed by the Senate. In the first 300 days of Biden's Presidency, the Senate has confirmed one-quarter of that number.

Actions speak louder than words. If our colleagues care about our national security, they would match deeds with words and swiftly confirm the 59 State Department nominees who are awaiting confirmation on the Senate floor.

Unfortunately, the holdup is not only on the floor of the Senate but also in the Foreign Relations Committee. Eleven nominees in committee are awaiting business meetings, and 21 haven't even been able to have a hearing to advocate for themselves and their qualifications.

What is worse from my perspective, the nominations that are being affected by this obstruction are disproportionately women. In a Foreign Service where men still outnumber women and where we are trying to become a more diverse State Department, it is critical that we confirm these qualified women.

Amid increased Russian aggression toward our Ukrainian allies, it is particularly important that we confirm without delay the nominee to be Ambassador to NATO, Julie Smith.

How can we advocate for American interests abroad, how can we represent American citizens abroad, how can we support our economic interests if we don't have people in place who can do that?

When we look at the increasing global threats to the United States, operating with a depleted diplomatic corps jeopardizes our national security. It jeopardizes U.S. interests and the safety of Americans at home and abroad. The political games that are being played by a few Members of this body are risking very serious consequences.

I see my colleague from Ohio, who is the cochair of the Ukrainian Caucus, has come in. Perhaps he would work with me to try to get Julie Smith, our Ambassador to NATO, confirmed so that we have somebody there who can help as we are looking at the crises that are happening in Eastern Europe. I know we can work together in a rational, bipartisan way to address our country's basic needs because we have just seen it. We saw it with the bipartisan infrastructure bill that was just signed this week. Confirming Presidential nominees is one of the most fundamental responsibilities of the Senate. It is the heart of article II in the Constitution.

What we have seen to date is no substantive objection to the nomination of Dilawar Syed to be Deputy SBA Administrator or to the nominations to fill numerous critical national security and foreign policy positions. This is obstruction for obstruction's sake, and it has very real consequences for our country, for our small businesses, and for our national security and foreign policy. I hope that we will be able to work together on both sides of the aisle to address those nominees, who must be confirmed if we are to represent American interests at home and abroad.

Again, I want to thank Chairman CARDIN for his hard work as head of the Small Business Committee and for the work that he has done on the Foreign Relations Committee as we have tried to address those people who need to be confirmed. Obviously, he has worked very closely with Senator MENENDEZ, the chair of the Foreign Relations Committee. These are two committees that I have the honor of serving on, and they have historically operated on a very bipartisan, very collaborative basis. That is why it is so disheartening to see the breakdown that is occurring.

I hope that our colleagues will have a change of heart, that we will be able to move forward, and that we will be able to work together. I look forward to doing everything I can to make that happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

TRIBUTE TO DR. KRISTINA M. JOHNSON

Mr. PORTMAN. Mr. President, I rise today to pay tribute to Dr. Kristina M. Johnson and celebrate her investiture as the 16th president of the Ohio State University.

Dr. Johnson brings more than 30 years of experience and leadership in the academic, business, and public policy sectors to Ohio State, along with some very ambitious goals she has for the university.

Although the formal investiture was postponed until this Friday, November 19, due to COVID, Dr. Johnson actually assumed the presidency in August of last year, and her leadership has already helped the university community to come together during the past year of the pandemic. Ohio State is in full swing—classes, research, and other activities. They have a darn good football team under her leadership as well—currently No. 4 in the country and on its way up. Go, Bucks.

The Ohio State University was founded in 1870 as a land grant university—the first of its kind in Ohio. Over the years, the university has grown into one of the largest and best respected institutions in the country.

Dr. Johnson actually has close family ties to Ohio State. Family lore has it that Dr. Johnson's grandfather, who graduated from Ohio State in 1896, met Dr. Johnson's grandmother on the Columbus campus. We like to think those close ties to OSU and deep family roots in Ohio have made her a Buckeye in spirit all along.

Dr. Johnson comes to the Ohio State University after a long career in academic and business leadership. She previously served as the chancellor of the State University of New York system and has founded and served as CEO of several successful science and technology companies, served as the Under Secretary of Energy at the Department of Energy, and held academic leadership positions in institutions such as Johns Hopkins University, Duke University, and the University of Colorado at Boulder. Her breadth of experience from academic leadership, business, and public policy gives her the important tools to successfully lead the Ohio State University.

I have enjoyed getting to know Dr. Johnson over the past year and a half, and I have been impressed with how the students have embraced her. It is a great student body. I have seen that firsthand at Ohio State, having taught four courses at the Glenn School of Public Affairs—now the Glenn College of Public Affairs—before being elected to the U.S. Senate, and I am proud to have been a member of the advisory board of the exciting Glenn College for the past 12 years.

I believe the students and the faculty and the alumni and the friends who make up the Ohio State University community are very fortunate to have Dr. Johnson at the helm during this time. I wish her the very best as she continues to guide Ohio State into the future while focusing on academic excellence and building a strong and passionate community of Buckeyes. I look forward to continuing to work with Dr. Johnson to ensure her success and the success of the great institution, the Ohio State University.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

INFLATION

Mr. KENNEDY. Gosh, Mr. President, I wish I didn't have to give this talk.

I think it is a bipartisan observation that, unfortunately, Americans are paying a lot more for just about everything. I asked my staff to put together some inflation numbers, and they are just breathtaking: gasoline, up 50 percent; rental cars, up 42.9 percent; you need a used car or truck, they are up 26 percent; a turkey, 20.2 percent; bacon, 20.2 percent; beef, 20.1 percent; pork chops, 15.9 percent; bedroom furniture, 12 percent higher than last year; eggs, up 11.6 percent; televisions, up 10 percent; frozen fruits and vegetables, up 7½ percent; chicken, up 8.8 percent; shoes, up 8 percent; baby food, up 8 percent; children's clothes, up 7.6 percent. And I could keep going. Unbelievable.

Now, I believe in calling them like I see them. I think most fairminded Americans know that President Biden is responsible for this inflation. You don't have to be Einstein's cousin to figure that out. But put the politics aside. The shame of all this is that the burden of these price increases is falling on the backs of the American people, and while Washington is obsessed with the politics of it, the American people and the people in my State have to bear the cost.

A lot of people, Mr. President, as you well know, just can't afford to pay 50 percent more to fill up their gas tanks. They can't afford to have to stop and go arrange a bank loan to go to the gas station or to the grocery store.

Unfortunately, for Americans in my State and your State and across the country, here with winter coming on, the cost of heating homes is also going up just in time for temperatures to fall. So the cost of heating is going up, and the temperatures are going down. A lot of families are going to have to shell out up to 30 percent more for natural gas than they did this past year. Ask them if their income went up 30 percent.

As our days grow shorter, the economic landscape, unfortunately, is getting darker.

Thanksgiving is just around the corner. It is a cherished American holiday.

But even the holiday that Americans observe in order to count our blessings is coming with new hardships. According to the New York Times, Thanksgiving 2021, and I quote, ''could be the most expensive meal in the history of the holiday.''

As I just mentioned a few seconds ago, frozen turkey is going to set you back 20 percent more than it did last year. If you like gravy with your turkey, get ready to pay 7 percent more for gravy. Maybe you don't eat meat. Maybe you are a vegan. Unfortunately, frozen vegetables are also going to cost you 7 to 7½ percent more, and the high prices only apply if you can find food in the supermarkets. Some of these food products, you can't even find with Google. There is no guarantee that the cranberry sauce and the sweet potatoes will be in stock come dinnertime.

Now, this is America. This is 2021. This isn't the Soviet Union, 30, 40, 50 years ago. My God, Washington ought to hide its head in a bag.

The official general inflation rate is 6.2 percent higher than it was last October, and that happens to be the largest increase in over 30 years. But we all know, and I can tell you, real people in the real world who go to the grocery store and the clothing store and pay their insurance bill and go try to buy an automobile know that it is not 6.2 percent. It is a lot higher.

I need to ask a question, though. Are you really surprised? Are you really surprised that prices are rising when the Biden administration is printing money, when the Biden administration is exploding our debt, when the Biden administration is forfeiting America's energy independence, when the Biden administration is paying people to watch Netflix instead of producing the goods we need, when the Biden administration is ignoring gridlock in our supply chain? The American people aren't surprised.

For months—for months—the White House has turned gaslighting Americans about the inflation crisis into an art form. White House officials pretend inflation—if you ask them—oh, it is just temporary—a temporary problem. Temporary, a rat's rear end. It is actually a soul-crushing, job-killing tax on working Americans. That is what inflation is.

Every time you go to the grocery store, your taxes go up. And inflation hits lower-income and middle-income families the hardest. And anyone who doesn't believe that should ask Secretary Kerry whether fuel prices have grounded his private jet. Of course not. He is rich. He has got a private jet. He doesn't feel it.

You know who feels it? The moms and dads in this country who get up every day, who go to work and obey the law and pay their taxes and try to do the right thing by their kids and try to save a little money for retirement. That is who pays this tax that the economists call inflation.

This inflation didn't just appear out of nowhere. I mean, any economist with a pulse knows where this inflation came from. Inflation comes from too much money chasing too few goods. And when you have an administration, as we do with the Biden administration, that spends money like it was gully dirt, whose mantra is, ''We can't possibly spend enough taxpayer money, there is not enough hours in the day''—of course, you don't have inflation. Of course, you don't have inflation.

Now, what is President Biden doing tonight? Well, I have noticed that the Biden administration, when it comes to economics and other areas as well, they never make the same mistake twice. They make it five or six times, just to be sure.

So how's the Biden administration going to deal with this economic cancer of inflation which is killing the American people? Their idea is: Let's go pass a spending orgy bill—they call

it reconciliation—of epic, epic proportions, chockful of welfare blowouts when we can't afford the social programs we have now.

Are you kidding me?

Are you kidding me?

And one White House official claimed earlier this week that the President's—he calls it a $1.75 trillion bill. It is going to end up, we all know, being a lot more than that. He says it will actually reduce inflation. Right—and those aren't hogs in the hog lot.

Just wait. The fact is, unless you were in the quad playing Frisbee during Econ 101, you know this is truth. The fact is that massive government spending has kept workers on the sidelines and has fueled inflation. But the only comfort the permanent Washington types are sending to folks gathered around a historically expensive Thanksgiving table is that more—not less—more of the same insane policies are coming down the pipeline through what the President calls the Build Back Better bill. And I think most Americans call it the Build Back Broker bill.

Have you looked at the bill?

I looked at the House bill a bit. I started reading it. I am probably going to go broke just reading the thing.

Neosocialists love this bill. They love it like the devil loves sin, but the American people aren't going to love it. Louisianans are not going to love it. Louisianans love their families, and they just want to provide for them, especially at Thanksgiving and at Christmas. And they can't do it with inflation raging.

This Thanksgiving, what most Americans need the most is relief—not just relief from inflation, but relief from bad leadership.

Now, I want my friends in the Biden White House to know that I am genuinely interested in working with them to solve America's inflation problem, but you are not going to do it by spending more money. You are not going to do it by throwing gasoline on the fire.

The first rule is to do no harm. Do no harm, and by that, I mean that my Democratic friends should stop trying to ram this multitrillion dollar tax-and-spend bill through Congress. And they should stop for two reasons: Americans don't want it, and Americans can't afford it.

So this Thanksgiving, Madam President—and I hope you have a good one—I hope my Democratic friends will give up on tying millstones around the neck of the American economy. I hope they will give up fueling inflation with another extremist spending orgy bill.

And if they would do that, if they would just do that, Americans could sit down to eat next Thursday and give thanks that compassion and common sense have finally prevailed in Washington, DC, where, frankly, on most issues, common sense is illegal.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. SMITH). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BORDER SECURITY

Mr. CORNYN. Madam President, yesterday, the Secretary of Homeland Security, Mr. Mayorkas, testified before the Senate Judiciary Committee. It is the first time he has been before the Judiciary Committee for an oversight hearing. Of course, our minds were all on the crisis that is currently underway—and has been since the beginning of this year—at the border.

When our colleague Senator LINDSEY GRAHAM asked him how he would rate his own performance so far, he gave a bizarre answer. He said: ''I [would] give myself an A for effort.'' Well, that is the type of rating you would give yourself if you offered to cook dinner and completely bungled the recipe, or if you ordered a really thoughtful Christmas gift for your spouse, but it didn't arrive on time, you would give yourself an A for effort. But when you are talking about the person who is responsible for some of our Nation's most critical responsibilities for which there are life-and-death consequences, an A for effort is hardly acceptable, and in this case, it is an overly generous assessment.

Over the last year, Customs and Border Protection has encountered more than 1.7 million migrants along the southern border—the highest on record. In 1 month alone, more than 213,000 migrants crossed the border, including 19,000 unaccompanied children. The Secretary may think he is worthy of an A for effort, but the numbers certainly do not reflect that.

The American people are clearly concerned about the way things are going. A recent poll found that more than 80 percent of voters think illegal immigration is a serious issue. Nearly two-thirds believe that the President's Executive orders actually encourage more illegal immigration, and, as a result, only 35 percent of voters approve of the President's handling of the border.

Leaders in the administration have tried to play the blame game, saying, well, they inherited policies from the previous administration that led to the crisis. That seems to be part of the playbook—let's blame Trump; let's blame the previous administration and absolve ourselves of any responsibility—but they have simply failed to provide an explanation to why those policies led to 460,000 fewer encounters in fiscal year 2020 but more than 1.7 million in 2021.

There is no question at all that this crisis is a direct result of the Biden administration's words and deeds. Back in February, just a few weeks after President Biden took his oath of office, migrants who were interviewed in their trek from their homes across our border said as much. One woman who crossed the Rio Grande River on a smuggler's raft said that she and her 1-year-old son only came to the United States because of the Biden administration. She said: ''That gave us the opportunity to come.'' The administration has signaled that it is not only OK with the record levels of illegal immigration but that it is actively encouraging more people to make the trek.

Prior to the Biden administration's border crisis, there was a clear and sensible process for migrants who crossed our border to claim asylum. That individual would be processed by the Border Patrol and undergo a credible fear assessment, which is the standard for claiming asylum, essentially determining, at least as a preliminary matter, whether they would qualify for asylum. If so, that person would be issued a notice to appear at a future court hearing—a critical document that tells asylum seekers when and where to show up for their day in court.

But under Secretary Mayorkas's leadership, that is not happening anymore. I have heard from many folks in Texas about the fact that huge numbers of migrants are now being released without a notice to appear. Thousands of migrants have been released with what is now called a notice to report—essentially, a document that says: When you get where you are going, turn yourself in to your local Immigration and Customs Enforcement office.

Well, these migrants haven't undergone a credible fear screening, so we have no way of knowing how many of them will likely, potentially, qualify for asylum. We do know, based on decisions from immigration courts, that only about 10 percent of the people who claim asylum actually qualify under the prevailing legal standard.

Because these migrants haven't undergone preliminary screening, we have no information about the validity of their asylum claims. And it is unclear whether the administration has given any teeth at all to the warning that the failure to contact the local ICE office may result in your arrest. In other words, there are no consequences for not showing up.

The Department of Homeland Security is now telling us that they have stopped issuing notices to report, but the truth is, they have just changed the title. They are still paroling migrants into the United States without issuing a notice to appear. When these migrants inevitably fail to turn themselves in to the nearest ICE office—and ICE's internal figures suggest the compliance rate is unsurprisingly low—it isn't clear that the Department of Homeland Security will do anything at all to locate them and remove them from the United States even though they haven't complied with the process that they have been told they must comply with. The Biden administration has made it even easier for migrants to disappear into the great American heartland.

Several weeks ago, Secretary Mayorkas gave migrants another reason to believe that they could make it across our borders and be able to stay. According to Secretary Mayorkas, illegally entering our country is no longer reason enough for ICE to begin removal proceedings. The Secretary's guidance provided a few exemptions. In theory, illegal border crossers are a priority for enforcement but only if they are apprehended in the United States after unlawfully entering after November 1, 2020. It is unclear what the magic is with that date. In other words, ICE agents can't touch them unless another law enforcement agency picks them up first.

It says individuals convicted of serious criminal conduct who pose a current threat to public safety should be a priority for removal, but it is unclear what crimes meet those criteria. Is distributing or receiving child pornography considered serious criminal conduct? What about crimes like embezzlement? larceny? breaking and entering? sex offenses? It is unclear exactly what the standard is, and I think that is on purpose because clearly Secretary Mayorkas does not want the Border Patrol and Immigration and Customs Enforcement to actually enforce the law that Congress has written. We are the ones who make the policy, and the Border Patrol and Immigration and Customs Enforcement simply execute that policy. Clearly, Secretary Mayorkas is trying to confuse things such that no apprehension and detention takes place at all.

What if the distribution of child pornography, let's say, happened 4 years ago? Is the perpetrator no longer a priority for apprehension and removal now that the threat isn't ''current''? In fact, the Secretary explicitly says the threat shouldn't be determined according to bright lines or categories. In other words, he wants to continue to fuzz it up and make it ambiguous. I don't understand why if you are actually serious about enforcing our laws. Is there a reason that any migrant convicted of possessing or distributing child pornography should be allowed to remain in the United States?

The Secretary indicates that even certain migrants, like those who are elderly or provide for their families, should be exempt from the law. That clearly is not within the authority of the Secretary to decide against whom the laws should be enforced. Does that mean that someone who committed a sexual assault 20 years ago but now has a family who depends on him should be able to remain in the United States?

It defies all common sense to ask our law enforcement officers to turn a blind eye when they encounter individuals who have clearly broken the law. Imagine calling the police to report an intruder in your home and being told, unless this person is young, childless, and murdered a member of your family, we can't do anything or we won't do anything.

The reality of the situation, however inconvenient it may seem for our colleagues on the other side of the aisle, is that, by entering the United States illegally—by doing that—migrants have broken the law, and there have to be consequences. The Secretary cannot, consistent with his oath of office, refuse to enforce those laws in order to appease his party's political base.

In fact, by clearly outlining who will and who will not be able to remain in the United States, notwithstanding what the law says, the administration is actually encouraging even more migrants to put themselves in harm's way to come to the United States. This is known as pull factors, which actually encourage more illegal immigration. Under this guidance, visa overstays aren't a priority for enforcement at all. If somebody comes in on a visa but overstays that visa, they are illegally present in the United States, but they don't have to worry about the Biden administration actually enforcing the law and removing them. In other words, the guidance is an open invitation for migrants to disregard the terms of their entry into the United States.

When President Biden's nominee for the Customs and Border Protection testified before the Senate Finance Committee, I asked the police chief from Arizona if he agreed that the Biden administration's policy of nonenforcement is a pull factor that is encouraging more illegal immigration. He admitted that, yes, it is.

So, yesterday, I asked Secretary Mayorkas the same question: Does this guidance of nonenforcement send a signal to criminal organizations, human smugglers, and migrants that if they illegally enter the United States and commit no other crimes, they can stay?

He said: No. That is 100 percent false.

But I disagree with Secretary Mayorkas. He is clearly not telling the truth. There is a clear correlation between the Biden administration's reckless policies and the record level of illegal migration.

Any administration, of course, has a certain amount of discretion when it comes to enforcement, but what we are seeing from Secretary Mayorkas isn't an exercise of discretion, and it is certainly not A-for-effort worthy. I don't think anyone expected Secretary Mayorkas to lead the charge to secure our borders and crack down on illegal immigration, but he is not even doing the bare minimum that his job description requires.

The truth is, the Biden administration has fumbled the border crisis at every turn. The President sent smoke signals about open borders before he even took office, and his administration has rolled out incentive after incentive for migrants to continue to break the law, and it has tied the hands of dedicated law enforcement officers who put their lives on the line to protect the American people.

We have got a border czar who once compared ICE to the Ku Klux Klan, and we have a DHS Secretary who gives himself an A even though more than 1.7 million migrants have crossed the border since he took office in February. So, while Secretary Mayorkas thinks he is entitled to an A for effort, there is no question that, on balance, the Biden administration has earned an F for its response to the border crisis.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INFLATION

Mr. GRASSLEY. Madam President, inflation soared to a 31-year high in October.

Now, after thinking about it, it seems President Biden and his allies are sensing inflation may endanger their reckless tax-and-spending agenda. Now, as a result, they have taken to arguing that the cure for the inflation spurred by their reckless spending is to pursue even more reckless spending.

I am not buying it. The American people aren't buying it either.

President Biden and his allies have been wrong about inflation from day one, and they are wrong now. Immediately after taking office, we all know what happened: They pursued a partisan $2 trillion liberal wish list package under the guise of COVID relief, and only 9 percent of it was to fight COVID.

Congress had already approved $4 trillion in bipartisan relief, including a nearly $1 trillion bill, only a month prior to the President's inauguration. And all that money that was spent recovering from Congress shutting down the economy in March of 2020 was all passed in a bipartisan, cooperative way, not like bills this year are tuned up to just be partisan, with the majority Democrats of the House and Senate supplying all the support.

Now, our economy was already on the road to recovery when the President was sworn in, and highly effective vaccines were allowing economic activity to bounce back, and it did bounce back quickly.

I, along with many on my side of the aisle, warned that adding $2 trillion on top of the existing relief—that money still entering the economy—risked sparking inflation, and it has.

And it wasn't just Republicans sounding the inflation alarm. Longtime Democratic economist Professor Larry Summers, who held top posts in both the Obama and Clinton administrations, also made his inflation concerns known. So Democrats in Congress and the White House don't even heed the advice of their own.

In a February Washington Post oped, Professor Summers warned President Biden's so-called COVID package might ''set off inflationary pressures of a kind [that] we have not seen in a generation, with consequences for the value of the dollar and financial stability.'' Six and two-tenths inflation just announced, which proves that Professor Summers was right.

With a prominent liberal economist such as Larry Summers raising inflation concerns, wouldn't one think the President of the United States would begin to take the risk of inflation very seriously? It is not how it is turning out. Instead, President Biden and senior administration officials are doubling down, arguing the real risk was not spending enough.

Now, think about that for a second. Congress had already spent almost as much responding to COVID, in inflation-adjusted dollars, as it did in waging World War II. Yet we are somehow expected to believe too little spending, not inflation, was the real risk.

In reality, President Biden and congressional Democrats were simply determined to not let a crisis go to waste. They couldn't let a ''high class problem'' like inflation get in the way of passing ''the most progressive piece of legislation in history.''

How out of touch is that? Remember, inflation is a regressive tax that hurts the poor the most, increasing the cost of food, clothing, and shelter; in other words, affecting the basic essentials of life. Then, in the months to follow, inflation began to tick upward. In April, inflation clocked in at an annualized rate of 4.1 percent—the highest spike since the financial crisis of 2008.

Nothing to see here, the Biden administration officials said. That inflation was solely due to ''base effects''—those are their words, ''base affects''—that resulted from prices being suppressed during the pandemic.

In a month or two, they said inflation was to return to normal or you heard the word ''transitional'' inflation, as Fed Chairman Powell was preaching to the entire country. Now, of course, Powell has changed his mind, to some extent.

Now, around the same time, President Biden released his reckless tax-and-spending agenda, calling for an additional—can you believe it?—$4,000 in spending?

Professor Larry Summers again sounded the inflation alarm warning, ''[W]e are injecting more demand into the economy than the potential supply . . . and that will generate overheating.''

Now, skip ahead a month to June. Inflation surges to 5.4 percent. Again, the administration claims that there is nothing to worry about. Again, we are told inflation is merely transitory and solely the result of bottlenecks in the supply chain.

Inflation remained at those elevated levels of 5.4 percent July through September. Inflation was persisting longer than the administration expected. But they were still sure it was only transitory.

According to President Biden, ''[N]o serious economist''—those are his words—''[N]o serious economist'' was predicting spiraling inflation. Really? Larry Summers, a Harvard professor and former Clinton Secretary of Treasury, isn't a serious economist?

I will tell you how serious of an economist he is. I think he got on the Harvard staff at a very young age with a title of distinguished professor. And I think he was only about 30 years of age at that time. Then, early this month, the inflation numbers for October were released. Inflation surged to 6.2 percent. That is the highest inflation rate in 31 years.

Only then did the administration begin to acknowledge that inflation is a problem. To do otherwise would be an insult to the intelligence of the American public. Hard-working Americans have been experiencing historically high price increases for more than half a year.

The Biden inflation tax on average Americans is now $175 a month, which equates to about an extra $2,100 of costs every year. Gone are the claims that inflation is transitory. Instead, according to President Biden, ''[i]nflation hurts Americans' pocketbooks, and reversing this trend'' is his ''top priority.''

Now, President Biden and his allies claim the key to reversing this inflation trend is to enact the same reckless tax-and-spending agenda that they have been pursuing all year. How convenient. The solution to surging inflation is the same agenda he has been passing all along.

I won't go as far as President Biden and try to claim no serious economist agrees with him. However, even the economists cited by the administration as supporting their agenda do have caveats. Those caveats include that their spending policies are entirely paid for and are structured in a way that will increase labor productivity.

The current version of their spending plans doesn't come close to meeting those huge caveats. The President claims his agenda is completely paid for, but those claims rest solely on sleight of hand and budget gimmickry.

Their largest gimmick comes from artificially sunsetting spending provisions that they do not intend to expire while imposing a permanent tax hike. In other words, increasing taxes and accounting it for over the 10-year period of time that the Congressional Budget Office looks ahead—spend that money in the first 2 or 3 years, and then supposedly the program is going to sunset. But everybody knows that these programs won't sunset. So you better figure what the long-term cost is. And that is that $4.2 trillion that has been in the press since this Build Back Better program hit the press.

Now, on another point, even taking President Biden's claim at face value, his agenda will result in hundreds of billions of dollars of increased deficit spending in the near term, fueling current inflation pressures.

Moreover, according to a Penn Wharton Budget Model and its analysis, under the more realistic assumption that their spending proposals are made permanent, their plan would increase debt and deficit by more than $2 trillion over 10 years. The Penn Wharton Budget Model shows that.

As a result, then, by 2050, government debt would be 24 percent higher, economic growth would be 3 percent lower, and wages would be 1.7 percent less than they otherwise would be.

Now, he calls the program Building Back Better. This is a recipe for building back worse. The bottom line is that the President's ill-designed spending-and-tax spree isn't deficit neutral. It won't boost productivity, but it will fuel inflation. So I think after this October report comes out of inflation being the highest in 31 years at 6.2 percent, it is time to pause and rethink this entire approach.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. OSSOFF).

The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KELLY). Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent that the vote on the motion to proceed to Calendar No. 144, H.R. 4350 occur now.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 144, H.R. 4350, a bill to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Charles E. Schumer, Jack Reed, Jon Tester, Jeanne Shaheen, Margaret Wood Hassan, Angus S. King, Jr., Alex Padilla, Sherrod Brown, Mark Kelly, Tim Kaine, Jacky Rosen, Tina Smith, Ben Ray Luján, John Hickenlooper, Christopher A. Coons, Raphael Warnock, Mazie K. Hirono.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to

proceed to H.R. 4350, a bill to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Mr. VAN HOLLEN) is necessarily absent.

The yeas and nays resulted—yeas 84, nays 15, as follows:

[Rollcall Vote No. 472 Leg.]

YEAS—84

Baldwin	Hagerty	Peters
Barrasso	Hassan	Reed
Bennet	Heinrich	Risch
Blumenthal	Hickenlooper	Romney
Blunt	Hirono	Rosen
Brown	Hoeven	Rounds
Burr	Hyde-Smith	Rubio
Cantwell	Inhofe	Sasse
Capito	Johnson	Schatz
Cardin	Kaine	Schumer
Carper	Kelly	Scott (FL)
Casey	King	Scott (SC)
Cassidy	Klobuchar	Shaheen
Collins	Lankford	Shelby
Coons	Leahy	Sinema
Cornyn	Lee	Smith
Cortez Masto	Luján	Stabenow
Cramer	Manchin	Tester
Crapo	Marshall	Thune
Daines	McConnell	Tillis
Duckworth	Menendez	Toomey
Durbin	Merkley	Tuberville
Ernst	Moran	Warner
Feinstein	Murkowski	Warnock
Fischer	Murphy	Whitehouse
Gillibrand	Murray	Wicker
Graham	Ossoff	Wyden
Grassley	Padilla	Young

NAYS—15

Blackburn	Cruz	Paul
Booker	Hawley	Portman
Boozman	Kennedy	Sanders
Braun	Lummis	Sullivan
Cotton	Markey	Warren

NOT VOTING—1

Van Hollen

The PRESIDING OFFICER (Mr. KING). On this vote, the yeas are 84, the nays are 15.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

AWARDING POSTHUMOUSLY A CONGRESSIONAL GOLD MEDAL, IN COMMEMORATION TO THE SERVICEMEMBERS WHO PERISHED IN AFGHANISTAN ON AUGUST 26, 2021, DURING THE EVACUATION OF CITIZENS OF THE UNITED STATES AND AFGHAN ALLIES AT HAMID KARZAI INTERNATIONAL AIRPORT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5142, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 5142) to award posthumously a Congressional Gold Medal, in commemoration to the servicemembers who perished in Afghanistan on August 26, 2021, during the evacuation of citizens of the United States and Afghan allies at Hamid Karzai International Airport, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5142) was ordered to a third reading, was read the third time, and passed.

Mr. SCHUMER. Mr. President, we just passed H.R. 5142, which awards the Congressional Gold Medal to 13 servicemembers. They are American heroes, and today the Senate will honor them as such.

Our Nation is forever indebted to these brave men and women and their families for their sacrifice that enabled the safe evacuation of more than 100,000 Americans and Afghan allies.

They risked their lives for our country, and their heroic efforts will not be forgotten.

NATIONAL HOSPICE AND PALLIATIVE CARE MONTH

Mr. SCHUMER. Now, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 455, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 455) designating November 2021 as ''National Hospice and Palliative Care Month''.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 455) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

MORNING BUSINESS

NOTICE OF A TIE VOTE UNDER S. RES. 27

Mr. WYDEN. Mr. President, I ask unanimous consent to print the following letter in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

To the Secretary of the Senate:

PN 1026, the nomination of Samuel R. Bagenstos, of Michigan, to be General Counsel of the Department of Health and Human Services having been referred to the Committee on Finance, the Committee, with a quorum present, has voted on the nomination as follows—

(1) on the question of reporting the nomination favorably with the recommendation that the nomination be confirmed, 14 ayes to 14 noes; and

In accordance with section 3, paragraph (1)(A) of S. Res. 27 of the 117th Congress, I hereby give notice that the Committee has not reported the nomination because of a tie vote, and ask that this notice be printed in the RECORD pursuant to the resolution.''

REMEMBERING HUGH K. LEATHERMAN, SR.

Mr. GRAHAM. Mr. President, along with my fellow Senator from South Carolina, Mr. SCOTT, I rise today to honor the life of South Carolina State Senator Hugh K. Leatherman, Sr., who passed away, surrounded by his loving family, on November 12, 2021, at the age of 90.

Senator Leatherman was born on April 14, 1931, in Lincoln County, NC. He was raised on a farm and attended North Carolina State University, earning a degree in civil engineering in 1953. In 1955, he moved to South Carolina to start a concrete company, before starting his political career. His expansive political career began in 1967 after being elected to serve on the Quinby Town Council. During his term on the town council, he served as mayor pro tempore for the town of Quinby from 1971 to 1976. In 1980, Senator Leatherman ran for South Carolina State Senate and served the people of District 31, which includes Darlington and Florence Counties. On June 18, 2014, Senator Leatherman was elected president pro tempore. He also served as the chairman of the powerful senate finance committee, as well as a member of the ethics, interstate cooperation, rules, transportation and the labor, commerce and industry committees.

As a State senator, a position he held for more than 40 years, Senator Leatherman's dedication to the State could not be questioned. When it came to the needs of South Carolina, he was always at the forefront of getting things done. His statewide perspective led him to championing the Port of Charleston Harbor Deepening Project, as well as recruiting companies like Boeing, Honda, and Volvo to come to the State he loved so intensely. He will be remembered as having one of the most effective voices for his region and the State and was always looking towards what the State of South Carolina could become.

Senator Leatherman's devotion to his State and his constituency should be a model from which all public servants look to follow. We grieve his loss

but celebrate the accomplishments of this great, honorable man. Mr. President, we ask that you and our colleagues join us in applauding Senator Leatherman's many contributions made to the State of South Carolina. A true champion of South Carolina, Senator Leatherman will be sorely missed.

TRIBUTE TO JAMES AND MARTY HARRIS

Ms. BALDWIN. Mr. President, today I rise to honor Wisconsin residents James ''Jim'' and Marty Harris for their humanitarian work in Southeast Asia and their embrace of those displaced from that region. These two lifelong educators have made it their life's mission to welcome Hmong and Lao refugee families to Central Wisconsin, as well as make a positive impact for those living in Laos.

Over the course of more than 20 years, the Harris' have made over 20 trips to Laos. Beginning in 2000, they began the effort to reconnect families from their Wisconsin community with friends and relatives left behind when they departed their homeland. During these trips, they assisted Lao villagers in desperate need of medical care, helped provide hospitals with medical supplies, and provided many Lao schools with their very first library, a most appropriate endeavor for the now retired elementary school principal and retired English and art teacher.

However, their largest impact comes with their assistance in the removal of bombs, land mines, and other unexploded ordnances that dot the Laotian landscape after years of war and turmoil. As Jim told me during a visit I made to Laos several years ago, ''Many villagers are waiting 40 years for four days of help.'' To address this, the Harris's founded the nonprofit ''We Help War Victims,'' an organization that assists survivors of war and other conflicts to rebuild their lives. With half of its annual budget stemming from fundraising sales of Lao coffee beans, it allows paid teams to continue ordnance removal even when Jim and Marty aren't able to be halfway around the world. Countless lives and limbs have been saved because of this continuing work and dedication. Now, villages can enjoy expanded gardens and rice fields. This increased agricultural output allows these populations to better sustain themselves and provide food for neighboring communities.

With every trip, Jim returned to Wisconsin with relics and mementos gathered during his time in Laos. Slowly, this collection has amassed to become one of, if not the largest, known private collection of Southeast Asian artifacts in all of the United States. Jim started off by displaying some of these items at the school he worked at as principal. In 2016, he made the collection more accessible by developing an exhibition called ''From Laos to America: The Spirit of '76'', which was housed at the Wausau Center Mall in Wausau, WI. Since then, more than 10,000 people have visited the museum.

The ''From Laos to America'' collection now enters into a new chapter in 2021. This impressive collection has found a new home in Washington Square in downtown Wausau. Jim and Marty have also partnered with the Hmong American Center to ensure that this collection remains in central Wisconsin. This new home will highlight the full collection and provide educational opportunities so the community and visitors alike can learn more about the Southeast Asian refugee experience. I am pleased to celebrate this important partnership and the new home for this important collection, and I am proud to commend Jim and Marty on their tireless humanitarian work and advocacy in Southeast Asia and in central Wisconsin.

ADDITIONAL STATEMENTS

COUNTRY MUSIC HALL OF FAME 2020 INDUCTEES

● Mrs. BLACKBURN. Mr. President, it is my privilege to finally congratulate the 2020 Country Music Hall of Fame members-elect Dean Dillon, Marty Stuart, and Hank Williams, Jr. With the postponement of their medallion ceremony until this coming Sunday, I can tell you that Music City is ready to welcome them into the Circle.

Dean Dillon, this year's songwriter inductee, is the heart and soul behind some of country music's most iconic hits. With imagery as vivid as a golden sun-drenched memory and melodies as smooth as Tennessee whiskey, Dean captured the attention of music fans and earned the admiration of the industry's most well-respected artists. In Nashville, the good word is that ''it all begins with a song,'' and in Dean's case, his songbook has inspired generations of young writers to give themselves up to the art of storytelling.

Marty Stuart, this year's modern era artist inductee, is a jack of all trades and an undisputed master of each of them. He started his journey to the Hall of Fame at the age of 13 and, over the course of his career, earned the respect of his peers with his skills as a musician, singer, songwriter, producer, and television host. Today, he is recognized not only for his contributions to his craft, but for his role as one of the foremost custodians of country music's legacy.

Hank Williams, Jr., this year's veterans era artist inductee, bridged generations and genres with his own special blend of family tradition, outlaw swagger, and a singular disregard for the rules. Over the course of five decades and more than 100 appearances on the charts, Hank proved that what many insiders foolishly dismissed as the underbelly of country music was in fact home to musicians and fans alike who preferred to create their own absolution rather than seek it within the glittering confines of the mainstream.

On behalf of the entire Tennessee delegation, I thank Dean, Marty, and Hank for their passion and artistry. Your talents are a gift, gentlemen. Thank you for sharing them with us.●

TRIBUTE TO DAVID J. BERGER

● Mr. BROWN. Mr. President, I ask my colleagues to join me in honoring and thanking an outstanding public servant, Mayor David J. Berger, who will retire at the end of this month, after dedicating his life to serving his beloved city of Lima, OH. He leaves this office with a legacy of service and accomplishments.

Dave has served as the mayor of Lima, OH, for a remarkable 32 years. He is the proud son of an IBEW union worker and was raised with a keen sense of service to others and a dedication to his Catholic faith—two things that would guide him throughout his career. Dave's faith led him to attend a seminary high school and then St. Meinrad's seminary in southern Indiana. Upon leaving the seminary, he attended Catholic University of America in Washington, DC, where he received both his bachelor's and master's degrees.

Following graduation, his faith and commitment to service brought him to Lima, OH, where he served as the executive director of Rehab Project. He worked to bring opportunity for a second chance to Ohioans in prison, helping provide training to build and renovate homes. This work led him to run for mayor in 1989 and, after a successful campaign, serve in that position ever since.

From his work serving as a founding member of the bipartisan Ohio Mayors Alliance, to serving as cochair of the U.S. Conference of Mayors Water Council, Dave has worked with mayors and legislators on both sides of the aisle to always be a persistent advocate for the people of Lima and the concerns and challenges faced by many cities throughout the industrial Midwest.

Dave is well known for his work advocating for water infrastructure and has spent half of his career as mayor leading negotiations with the U.S. and Ohio EPAs to work to solve a combined and sanitary sewer overflow problem that has plagued many cities. My staff and I regularly met with Dave about these issues and acted upon his ideas and suggestions.

We have also worked together on several community projects. From helping to launch a My Brother's Keeper chapter in his city to advocating for public infrastructure investments or ensuring employers in Lima honor the dignity of work by respecting labor union rights, David and I have spent years collaborating to help the local community flourish.

With his commitment to push for research and economic development, and improving the city's downtown, Dave has lent his time and wisdom to serving on the board of directors of the

Ohio Energy Advanced Manufacturing Center; Downtown Lima, Inc.; the Allen Economic Development Group; and West Ohio Community Action Partnership. His pursuit of partnerships among these organizations and many community-driven task forces have helped support the city's workers and helped retain vital employers in the community, including the Lima Refinery, the Joint Systems Manufacturing Center, JSMC, and the Ford Engine Plant.

I am grateful that our friendship long predates both of our political careers—Dave is a fellow native of Mansfield, OH. He is also a fellow Eagle Scout. One my most prized photos is that of then-Col. John Glenn posing with me as I am awarded the Eagle Scout badge at the Johnny Appleseed Council's Eagle Scout ceremony. What that photo does not show is that Mayor Berger was there as well.

Dave's legacy will live on in the city he loved—the jobs he saved and secured, the water infrastructure he improved, the businesses he helped thrive and grow, and, most importantly, the lives he helped change for the better.

I ask my colleagues to join me in wishing my friend, Mayor David J. Berger, a long and happy retirement. Dave has done so much good for so long for the people of Lima, and because of his work, Lima's next mayor, Sharetta Smith, has a strong foundation to continue addressing the challenges facing this city in the heart of Allen County.

Dave, thank you for 32 years of dedicated service and for the legacy you have created. I know it has not always been, easy but all your efforts are appreciated.●

TRIBUTE TO MAJOR DANIELA RAGEN

● Mr. DAINES. Mr. President, today I have the distinct honor of recognizing MAJ Daniela Ragen, U.S. Army National Guard, of Broadwater County, as Montanan of the Month for her service to our Nation.

Daniela knew from a young age that she wanted to be a soldier. As soon as she enlisted in the Army, Daniela faced a challenge—a language barrier. She persisted and studied tirelessly to pass her English exams with high scores—so high she was accused of cheating and was forced to retake the exam. That didn't deter her. She retook the exam and passed again with flying colors.

Following a period of service on Active Duty, Major Ragen joined the Arizona National Guard, where she continued her career as an analyst in the Joint Counter Narcotics Task Force. Major Ragen then enrolled in the selective 15-month officer candidate school, where she was 1 of only 6 participants who graduated from a starting class of 21 students.

In addition to serving her country, Daniela has served the great State of Montana as a coordinator for the Montana National Guard Counter Drug Program. In this position, Daniela represents the best of both the National Guard and the State of Montana through her values of service, leadership, and persistence. She was even selected by her colleagues to serve as the chair for Northwest Region Advisory Committee for the National Counterdrug Program.

On top of being an exemplary Montanan and soldier, Daniela is a wife and a mother of five children, one of whom is currently serving in the Montana National Guard. Her husband, LTC Chase Ragen, is also a long-serving officer in the Montana National Guard.

Major Ragen truly embodies the values of a soldier and the spirit of a Montanan. It is my honor to recognize Daniela for her resilience, courage, and commitment to serving her great State and country. Keep up the great work, Major Ragen.●

RECOGNIZING CHEZ PANISSE

● Mr. PADILLA. Mr. President, I rise to recognize the 50th anniversary of Chez Panisse, the pioneering home of farm-to-table cooking in Berkeley, CA.

Chez Panisse was founded in 1971 by Alice Waters, then a young Montessori teacher. She felt that by strengthening her community's connection to seasonal foods and local growers, she could foster new ideas and connections. At the core of the new restaurant was a sense of social responsibility and limitless communal potential.

Guided by Alice Waters' ideals, Chez Panisse spurred a movement of slow food and local eating, showing that sustainability could ground a gourmet menu. Alice Waters mentored countless young chefs on her staff, many of whom went on to open restaurants, found companies, or write cookbooks of their own. Today, the style pioneered at Chez Panisse is known as California cuisine.

And Alice Waters never lost sight of the principles that inspired her. To commemorate the restaurant's 25th anniversary in 1996, she launched the Chez Panisse Foundation, which supports organic gardening and culinary education in schools. Thousands of schools across the world now benefit from the curriculum developed through her Edible Schoolyard Project.

Chez Panisse is an icon of the California culinary scene, offering a testament to the fruits of eating locally and sustainably. I congratulate Alice Waters and all the staff of Chez Panisse on this remarkable anniversary and send my best wishes for the decades to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Swann, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:52 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 796. An act to codify maternity care coordination programs at the Department of Veterans Affairs, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 147. An act to amend title 10, United States Code, to make certain improvements to services and benefits for veterans and separating members of the Armed Forces with respect to apprenticeship programs, and for other purposes.

H.R. 2433. An act to direct the Secretary of Veterans Affairs to take actions necessary to ensure that certain individuals may update the burn pit registry with a registered individual's cause of death, and for other purposes.

H.R. 2915. An act to amend the Homeland Security Act of 2002 regarding the procurement of certain items related to national security interests for Department of Homeland Security frontline operational components, and for other purposes.

H.R. 4233. An act to amend title 38, United States Code, to furnish Vet Center readjustment counseling and related mental health services to veterans and members of the Armed Forces using certain educational assistance benefits.

H.R. 4591. An act to direct the Secretary of Veterans Affairs to submit to Congress periodic reports on the costs, performance metrics, and outcomes of the Department of Veterans Affairs Electronic Health Record Modernization program.

H.R. 4626. An act to amend title 38, United States Code, to require an independent assessment of health care delivery systems and management processes of the Department of Veterans Affairs be conducted once every 10 years, and for other purposes.

H.R. 5516. An act to direct the Secretary of Veterans Affairs to submit to Congress a report on the Veterans Integration to Academic Leadership program of the Department of Veterans Affairs, and for other purposes.

H.R. 5603. An act to amend title 38, United States Code, to establish protections for a member of the Armed Forces who leaves a course of education, paid for with certain educational assistance, to perform certain service.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 147. An act to amend title 10, United States Code, to make certain improvements to services and benefits for veterans and separating members of the Armed Forces with respect to apprenticeship programs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2433. An act to direct the Secretary of Veterans Affairs to take actions necessary to ensure that certain individuals may update the burn pit registry with a registered individual's cause of death, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4233. An act to amend title 38, United States Code, to furnish Vet Center readjustment counseling and related mental health services to veterans and members of the Armed Forces using certain educational assistance benefits; to the Committee on Veterans' Affairs.

H.R. 4591. An act to direct the Secretary of Veterans Affairs to submit to Congress periodic reports on the costs, performance metrics, and outcomes of the Department of Veterans Affairs Electronic Health Record Modernization program; to the Committee on Veterans' Affairs.

H.R. 4626. An act to amend title 38, United States Code, to require an independent assessment of health care delivery systems and management processes of the Department of Veterans Affairs be conducted once every 10 years, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5516. An act to direct the Secretary of Veterans Affairs to submit to Congress a report on the Veterans Integration to Academic Leadership program of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5603. An act to amend title 38, United States Code, to establish protections for a member of the Armed Forces who leaves a course of education, paid for with certain educational assistance, to perform certain service; to the Committee on Veterans' Affairs.

PRIVILEGED NOMINATION REFERRED TO COMMITTEE

On request by Senator TED CRUZ, under the authority of S. Res. 116, 112th Congress, the following nomination was referred to the Committee on Commerce, Science, and Transportation: Samuel H. Slater, of Massachusetts, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring November 22, 2023, vice William Shaw McDermott, term expired.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2607. A communication from the Director of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Requirements Related to Surprise Billing; Part II'' ((RIN1545–BQ05) (TD 9955)) received in the Office of the President of the Senate on November 4, 2021; to the Committee on Finance.

EC–2608. A communication from the Director of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Standards for Section 501(c)(3) Status of Limited Liability Companies'' (Notice 2021–56) received in the Office of the President of the Senate on November 4, 2021; to the Committee on Finance.

EC–2609. A communication from the Director of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Nonresident Alien Deposit Interest Regulations'' (Rev. Proc. 2021–32) received in the Office of the President of the Senate on November 4, 2021; to the Committee on Finance.

EC–2610. A communication from the Director of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Extension of COBRA election and premium payment deadlines under section 7508A(b)'' (Notice 2021–58) received in the Office of the President of the Senate on November 4, 2021; to the Committee on Finance.

EC–2611. A communication from the Director of the Legal Processing Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Nonresident Alien Deposit Interest Regulations'' (Rev. Proc. 2020–15) received in the Office of the President of the Senate on November 16, 2021; to the Committee on Finance.

EC–2612. A communication from the Senior Advisor, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, received in the Office of the President of the Senate on November 15, 2021; to the Committee on Finance.

EC–2613. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Chronic Care Management Services: Barriers and Opportunities''; to the Committee on Finance.

EC–2614. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the establishment of the danger pay allowance for Tanzania and Nicaragua; to the Committee on Foreign Relations.

EC–2615. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2021–0139 - 2021–0141); to the Committee on Foreign Relations.

EC–2616. A communication from the Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act of 1938, as amended, for the six months ending December 31, 2019''; to the Committee on Foreign Relations.

EC–2617. A communication from the Senior Advisor, Department of Health and Human Services, transmitting, pursuant to law, a report relative to two (2) vacancies in the Department of Health and Human Services, received in the Office of the President of the Senate on November 15, 2021; to the Committee on Health, Education, Labor, and Pensions.

EC–2618. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Fiscal Year 2020 Annual Progress Report to Congress on the C.W. Bill Young Cell Transplantation Program and the National Cord Blood Inventory Program''; to the Committee on Health, Education, Labor, and Pensions.

EC–2619. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''National Health Service Corps Report to Congress for the Year 2020''; to the Committee on Health, Education, Labor, and Pensions.

EC–2620. A communication from the Chairman, National Committee on Vital and Health Statistics, transmitting, pursuant to law, a report entitled, ''2021 Report to Congress on the Implementation of the Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act (HIPPA) of 1996''; to the Committee on Health, Education, Labor, and Pensions.

EC–2621. A communication from the Senior Advisor, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of Health and Human Services for Aging and Administrator of the Administration for Community Living, Department of Health and Human Services, received in the Office of the President of the Senate on November 15, 2021; to the Committee on Health, Education, Labor, and Pensions.

EC–2622. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Fiscal Year 2020 Report on the Preventive Medicine and Public Health Training Grant Program''; to the Committee on Health, Education, Labor, and Pensions.

EC–2623. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Termination of Listing of Color Additives Exempt From Certification; Lead Acetate'' (Docket No. FDA–2017–C–1951) received in the Office of the President of the Senate on November 2, 2021; to the Committee on Health, Education, Labor, and Pensions.

EC–2624. A communication from the Compliance Specialist, Wage and Hour Division, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Tip Regulations Under the Fair Labor Standards Act (FLSA); Partial Withdrawal'' (RIN1235–AA21) received in the Office of the President of the Senate on November 2, 2021; to the Committee on Health, Education, Labor, and Pensions.

EC–2625. A communication from the Regulations Coordinator, Office of Population Affairs, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Ensuring Access to Equitable, Affordable, Client-Centered, Quality Family Planning Services'' (RIN0937–AA11) received during in the Office of the President of the Senate on November 4, 2021; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DURBIN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2342. A bill to amend title 9 of the United States Code with respect to arbitration of disputes involving sexual assault and sexual harassment.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Ms. CANTWELL for the Committee on Commerce, Science, and Transportation.

*Christopher A. Coes, of Georgia, to be an Assistant Secretary of Transportation.

*Max Vekich, of Washington, to be a Federal Maritime Commissioner for a term expiring June 30, 2026.

*Laurie E. Locascio, of Maryland, to be Under Secretary of Commerce for Standards and Technology.

Ms. CANTWELL. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Coast Guard nominations beginning with Monique M. Roebuck and ending with Russell D. Mayer, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2021.

By Mr. WYDEN for the Committee on Finance.

*Christi A. Grimm, of Colorado, to be Inspector General, Department of Health and Human Services.

*Brent Neiman, of Illinois, to be a Deputy Under Secretary of the Treasury.

*Joshua Frost, of New York, to be an Assistant Secretary of the Treasury.

*Maria L. Pagan, of Puerto Rico, to be a Deputy United States Trade Representative (Geneva Office), with the rank of Ambassador.

*Christopher S. Wilson, of the District of Columbia, to be Chief Innovation and Intellectual Property Negotiator, Office of the United States Trade Representative, with the rank of Ambassador.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MARSHALL (for himself and Mrs. GILLIBRAND):

S. 3216. A bill to amend the Child Nutrition Act of 1966 to require the Secretary of Agriculture to establish a publicly available database of bid solicitations for infant formula under the special supplemental nutrition program for women, infants, and children; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MENENDEZ:

S. 3217. A bill to amend the Internal Revenue Code of 1986 to provide special rules for purposes of determining if financial guaranty insurance companies are qualifying insurance corporations under the passive foreign investment company rules; to the Committee on Finance.

By Mr. HAWLEY:

S. 3218. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for a Parents' Bill of Rights; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself, Ms. HIRONO, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Mr. CARDIN, Mr. CASEY, Mrs. GILLIBRAND, Ms. DUCKWORTH, Mr. DURBIN, Mr. KAINE, Mr. MARKEY, Mr. MERKLEY, Mr. LUJÁN, Ms. KLOBUCHAR, Mr. PADILLA, Ms. ROSEN, Mr. SANDERS, Mr. VAN HOLLEN, Ms. WARREN, and Mr. WYDEN):

S. 3219. A bill to prevent discrimination and harassment in employment; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 3220. A bill to amend the Animal Welfare Act to restrict the use of exotic and wild animals in traveling performances; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BRAUN:

S. 3221. A bill to reduce improper payments and eliminate waste in Federal programs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BLUMENTHAL (for himself, Mr. MARKEY, Mr. WHITEHOUSE, Mr. WYDEN, and Mr. CASEY):

S. 3222. A bill to establish protections for passengers in air transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOOKER (for himself, Mrs. MURRAY, Mr. BROWN, Mr. WHITEHOUSE, Ms. WARREN, Mr. MERKLEY, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. WYDEN, Ms. SMITH, Mr. MURPHY, Mr. MENENDEZ, Mr. KAINE, Ms. ROSEN, Ms. HIRONO, Ms. KLOBUCHAR, Mr. HEINRICH, Mrs. GILLIBRAND, Mr. MARKEY, Mrs. SHAHEEN, Mr. PADILLA, and Mr. VAN HOLLEN):

S. 3223. A bill to establish certain duties for pharmacies to ensure provision of Food and Drug Administration-approved contraception, medication related to contraception, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCOTT of Florida:

S. 3224. A bill to direct the Secretary of Transportation to establish a program to provide grants to owners of cargo vessels being rerouted from the western seaboard of the United States through the Panama Canal, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEE:

S. 3225. A bill to prohibit any Federal agency from requiring that staff in health care facilities be vaccinated against COVID–19 as a condition of the facility participating in the Medicare, Medicaid, or CHIP programs; to the Committee on Finance.

By Mrs. GILLIBRAND (for herself and Mr. MARSHALL):

S. 3226. A bill to amend the Child Nutrition Act of 1966 to permit video or telephone certifications under the special supplemental nutrition program for women, infants, and children, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. DUCKWORTH (for herself and Mr. WYDEN):

S. 3227. A bill to require U.S. Citizenship and Immigration Services to facilitate naturalization services for noncitizen veterans who have been removed from the United States or are inadmissible; to the Committee on the Judiciary.

By Mr. CASEY (for himself and Mr. ROMNEY):

S. 3228. A bill to amend the Higher Education Act of 1965 to increase the knowledge and skills of principals and school leaders regarding early childhood education; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FISCHER (for herself, Mr. GRASSLEY, Mr. TESTER, Mr. WYDEN, Ms. ERNST, Mr. BRAUN, Ms. SMITH, Mrs. HYDE-SMITH, Mr. DAINES, Mr. CASSIDY, and Mr. LUJÁN):

S. 3229. A bill to amend the Agricultural Marketing Act of 1946 to establish a cattle contract library, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TESTER:

S. 3230. A bill to require the establishment of a working group to evaluate the food safety threat posed by beef imported from Brazil, and for other purposes; to the Committee on Finance.

By Mr. BRAUN (for himself, Mr. SULLIVAN, Mr. HAGERTY, Mr. MARSHALL, Mr. LEE, Mr. LANKFORD, Mr. SCOTT of Florida, Mrs. BLACKBURN, Mr. PAUL, Ms. LUMMIS, Mrs. CAPITO, Mr. RUBIO, Mr. BARRASSO, Mrs. HYDE-SMITH, Mr. THUNE, Mr. MORAN, Mr. WICKER, Mr. BURR, Mr. ROUNDS, Mr. HOEVEN, Mr. TOOMEY, Mr. TUBERVILLE, Mr. RISCH, Mr. CRAPO, Mr. CRUZ, Mr. COTTON, Ms. ERNST, Mr. CRAMER, Mr. HAWLEY, Mr. BOOZMAN, Mr. INHOFE, Mr. GRASSLEY, Mr. YOUNG, Mr. KENNEDY, Mr. JOHNSON, Mr. SASSE, Mr. DAINES, Mrs. FISCHER, Mr. GRAHAM, Mr. TILLIS, Mr. CORNYN, Mr. SCOTT of South Carolina, Mr. MCCONNELL, Mr. CASSIDY, Mr. SHELBY, Mr. BLUNT, Mr. PORTMAN, Ms. COLLINS, Ms. MURKOWSKI, and Mr. ROMNEY):

S.J. Res. 29. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Labor relating to ''COVID–19 Vaccination and Testing; Emergency Temporary Standard''; to the Committee on Health, Education, Labor, and Pensions.

By Ms. WARREN (for herself, Mr. BROWN, Ms. SMITH, Mr. MARKEY, Mrs. FEINSTEIN, Mrs. MURRAY, Ms. KLOBUCHAR, Mr. BOOKER, Ms. CANTWELL, Mr. BLUMENTHAL, Ms. BALDWIN, and Mr. DURBIN):

S.J. Res. 30. A joint resolution designating a ''Slavery Remembrance Day'' on August 20th, to serve as a reminder of the evils of slavery; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SMITH (for herself and Ms. KLOBUCHAR):

S. Res. 453. A resolution designating November 17, 2021, as ''National Butter Day''; to the Committee on the Judiciary.

By Mrs. SHAHEEN (for herself, Mr. COTTON, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Ms. ROSEN, Mr. HOEVEN, and Mrs. HYDE-SMITH):

S. Res. 454. A resolution expressing support for the designation of November 21, 2021, as ''National Warrior Call Day'' and recognizing the importance of connecting warriors in the United States to support structures necessary to transition from the battlefield; to the Committee on Armed Services.

By Ms. ROSEN (for herself, Mr. BARRASSO, Ms. BALDWIN, and Mrs. FISCHER):

S. Res. 455. A resolution designating November 2021 as ''National Hospice and Palliative Care Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 450

At the request of Mr. BURR, the names of the Senator from California (Mr. PADILLA) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 450, a bill to award posthumously the Congressional Gold Medal to Emmett Till and Mamie Till-Mobley.

S. 594

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 594, a bill to double the existing penalties for the provision of misleading or inaccurate caller identification information.

S. 657

At the request of Mr. BOOZMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 657, a bill to modify the presumption of service connection for veterans who were exposed to herbicide agents while serving in the Armed Forces in Thailand during the Vietnam era, and for other purposes.

S. 749

At the request of Ms. HASSAN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 749, a bill to amend the Internal Revenue Code of 1986 to enhance tax benefits for research activities.

S. 828

At the request of Mr. BARRASSO, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 828, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 864

At the request of Mr. KAINE, the name of the Senator from New Mexico (Mr. LUJÁN) was added as a cosponsor of S. 864, a bill to extend Federal Pell Grant eligibility of certain short-term programs.

S. 868

At the request of Mrs. GILLIBRAND, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 868, a bill to amend title II of the Social Security Act to eliminate the five-month waiting period for disability insurance benefits under such title and waive the 24-month waiting period for Medicare eligibility for individuals with Huntington's disease.

S. 1125

At the request of Ms. STABENOW, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1125, a bill to recommend that the Center for Medicare and Medicaid Innovation test the effect of a dementia care management model, and for other purposes.

S. 1170

At the request of Mrs. GILLIBRAND, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 1170, a bill to amend the Richard B. Russell National School Lunch Act to improve the efficiency of summer meals.

S. 1210

At the request of Mr. BLUMENTHAL, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1210, a bill to amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act, to further the conservation of certain wildlife species, and for other purposes.

S. 1404

At the request of Mr. MARKEY, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 1404, a bill to award a Congressional Gold Medal to the 23d Headquarters Special Troops and the 3133d Signal Service Company in recognition of their unique and distinguished service as a ''Ghost Army'' that conducted deception operations in Europe during World War II.

S. 1544

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. WARNOCK) was added as a cosponsor of S. 1544, a bill to amend title XIX of the Social Security Act to streamline enrollment under the Medicaid program of certain providers across State lines, and for other purposes.

S. 1569

At the request of Ms. WARREN, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 1569, a bill to amend the Food and Nutrition Act of 2008 to expand the eligibility of students to participate in the supplemental nutrition assistance program, establish college student food insecurity demonstration programs, and for other purposes.

S. 1595

At the request of Mr. TOOMEY, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1595, a bill to amend title 18, United States Code, to provide enhanced penalties for convicted murderers who kill or target America's public safety officers.

S. 1813

At the request of Mr. COONS, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 1813, a bill to direct the Secretary of Health and Human Services to support research on, and expanded access to, investigational drugs for amyotrophic lateral sclerosis, and for other purposes.

S. 1873

At the request of Mr. CRAPO, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1873, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of multi-cancer early detection screening tests.

S. 1958

At the request of Mrs. MURRAY, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1958, a bill to amend the Public Health Service Act to reauthorize the program of payments to teaching health centers that operate graduate medical education programs.

S. 2090

At the request of Mr. CASEY, the name of the Senator from New Mexico (Mr. LUJÁN) was added as a cosponsor of S. 2090, a bill to prevent a person who has been convicted of a misdemeanor hate crime, or received an enhanced sentence for a misdemeanor because of hate or bias in its commission, from obtaining a firearm.

S. 2244

At the request of Mr. KAINE, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 2244, a bill to amend the Higher Education Act of 1965 to provide for teacher and school leader quality enhancement and to enhance institutional aid.

S. 2373

At the request of Mrs. CAPITO, the names of the Senator from West Virginia (Mr. MANCHIN) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 2373, a bill to reestablish United States global leadership in nuclear energy, revitalize domestic nuclear energy supply chain infrastructure, support the licensing of advanced nuclear technologies, and improve the regulation of nuclear energy, and for other purposes.

S. 2376

At the request of Mr. CRUZ, the name of the Senator from Kansas (Mr. MARSHALL) was added as a cosponsor of S. 2376, a bill to ensure the parental guardianship rights of cadets and midshipmen consistent with individual and academic responsibilities, and for other purposes.

At the request of Mr. BRAUN, his name was added as a cosponsor of S. 2376, supra.

S. 2405

At the request of Ms. BALDWIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2405, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to award grants to States to improve outreach to veterans, and for other purposes.

S. 2410

At the request of Mr. CASEY, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 2410, a bill to address and take action to prevent bullying and harassment of students.

S. 2612

At the request of Mr. LUJÁN, the names of the Senator from Michigan (Mr. PETERS) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 2612, a bill to amend title XVIII of the Social Security Act to add physical therapists to the list of providers allowed to utilize locum tenens arrangements under Medicare.

S. 2753

At the request of Mr. PADILLA, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of S. 2753, a bill to amend the Immigration and Nationality Act to authorize lawful permanent resident status for certain college graduates who entered the United States as children, and for other purposes.

S. 2780

At the request of Mr. MARSHALL, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2780, a bill to amend title 10, United States Code, to prohibit certain adverse personnel actions taken against members of the Armed Forces based on declining the COVID–19 vaccine.

S. 2967

At the request of Ms. MURKOWSKI, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2967, a bill to establish an Assistant Secretary of State for Arctic Affairs.

S. 3011

At the request of Mr. CORNYN, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 3011, a bill to amend title VI of the Social Security Act to allow States and local governments to use coronavirus relief funds provided under the American Rescue Plan Act for infrastructure projects, improve the Local Assistance and Tribal Consistency Fund, provide Tribal governments with more time to use Coronavirus Relief Fund payments, and for other purposes.

S. 3080

At the request of Ms. SMITH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3080, a bill to amend the Employee Retirement Income Security Act of 1974 to require a group health plan (or health insurance coverage offered in connection with such a plan) to provide for cost-sharing for oral anticancer drugs on terms no less favorable than the cost-sharing provided for anticancer medications administered by a health care provider.

S. 3087

At the request of Mr. CASEY, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 3087, a bill to amend the Internal Revenue Code of 1986 to provide authority to add additional vaccines to the list of taxable vaccines.

S. 3146

At the request of Mr. INHOFE, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. 3146, a bill to appropriate $25,000,000,000 for the construction of a border wall between the United States and Mexico, and for other purposes.

S. 3169

At the request of Ms. HASSAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3169, a bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the introduction or delivery for introduction into interstate commerce of food packaging containing intentionally added PFAS, and for other purposes.

S.J. RES. 10

At the request of Mr. KAINE, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S.J. Res. 10, a joint resolution to repeal the authorizations for use of military force against Iraq, and for other purposes.

S. RES. 446

At the request of Mr. RISCH, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 446, a resolution commending the Government of Lithuania for its resolve in increasing ties with Taiwan and supporting its firm stance against coercion by the Chinese Communist Party.

AMENDMENT NO. 3897

At the request of Ms. STABENOW, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of amendment No. 3897 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3944

At the request of Mr. INHOFE, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Oklahoma (Mr. LANKFORD) were added as cosponsors of amendment No. 3944 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3945

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of amendment No. 3945 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3991

At the request of Ms. ERNST, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 3991 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4021

At the request of Ms. ERNST, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of amendment No. 4021 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4047

At the request of Mr. CRUZ, the names of the Senator from Massachusetts (Mr. MARKEY) and the Senator from Indiana (Mr. BRAUN) were added as cosponsors of amendment No. 4047 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4051

At the request of Mr. CRUZ, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of amendment No. 4051 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4052

At the request of Mr. CRUZ, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of amendment No. 4052 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4075

At the request of Mr. HAWLEY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 4075 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4077

At the request of Ms. ERNST, the names of the Senator from Montana (Mr. DAINES) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of amendment No. 4077 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of

the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4080

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 4080 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4093

At the request of Mr. MARSHALL, the names of the Senator from Montana (Mr. DAINES) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of amendment No. 4093 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4111

At the request of Mr. LANKFORD, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of amendment No. 4111 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4133

At the request of Mr. KAINE, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of amendment No. 4133 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4140

At the request of Mr. HAWLEY, the names of the Senator from Florida (Mr. RUBIO), the Senator from Utah (Mr. LEE) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of amendment No. 4140 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4165

At the request of Mr. JOHNSON, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 4165 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4172

At the request of Mr. MARKEY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 4172 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4174

At the request of Mr. MARKEY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 4174 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4177

At the request of Mr. MENENDEZ, the names of the Senator from Florida (Mr. RUBIO), the Senator from Maryland (Mr. VAN HOLLEN) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of amendment No. 4177 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4190

At the request of Mr. THUNE, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of amendment No. 4190 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4216

At the request of Mr. MARKEY, the names of the Senator from California (Mr. PADILLA), the Senator from New Jersey (Mr. BOOKER) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 4216 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4228

At the request of Mr. RISCH, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of amendment No. 4228 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4235

At the request of Mr. CRUZ, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 4235 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4283

At the request of Mr. MENENDEZ, the names of the Senator from Florida (Mr. RUBIO), the Senator from Maryland (Mr. VAN HOLLEN) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of amendment No. 4283 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4287

At the request of Mr. SCOTT of Florida, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of amendment No. 4287 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4297

At the request of Mr. BLUMENTHAL, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of amendment No. 4297 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4298

At the request of Mr. BLUMENTHAL, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 4298 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and

for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4308

At the request of Mrs. BLACKBURN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 4308 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4325

At the request of Mr. CORNYN, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of amendment No. 4325 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4406

At the request of Mrs. SHAHEEN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 4406 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4430

At the request of Mr. INHOFE, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of amendment No. 4430 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4437

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. WARNOCK) was added as a cosponsor of amendment No. 4437 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4482

At the request of Mr. HOEVEN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 4482 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4520

At the request of Mr. THUNE, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of amendment No. 4520 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4534

At the request of Mr. SANDERS, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 4534 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4535

At the request of Mr. SANDERS, the names of the Senator from Massachusetts (Ms. WARREN), the Senator from Vermont (Mr. LEAHY), the Senator from Oregon (Mr. WYDEN) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of amendment No. 4535 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4541

At the request of Mr. LEE, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of amendment No. 4541 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4542

At the request of Mr. LEE, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Montana (Mr. DAINES) were added as cosponsors of amendment No. 4542 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4543

At the request of Mr. LEE, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Montana (Mr. DAINES) were added as cosponsors of amendment No. 4543 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4544

At the request of Mr. LEE, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of amendment No. 4544 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4621

At the request of Mrs. SHAHEEN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 4621 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4624

At the request of Mr. WARNER, the name of the Senator from Alabama (Mr. TUBERVILLE) was added as a cosponsor of amendment No. 4624 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4655

At the request of Mr. CRUZ, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 4655 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4668

At the request of Mr. CRUZ, the names of the Senator from Massachusetts (Mr. MARKEY) and the Senator from Indiana (Mr. BRAUN) were added as cosponsors of amendment No. 4668 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4683

At the request of Mr. LANKFORD, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of amendment No. 4683 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4711

At the request of Mr. MCCONNELL, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 4711 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4729

At the request of Mr. WARNER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 4729 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 453—DESIGNATING NOVEMBER 17, 2021, AS ''NATIONAL BUTTER DAY''

Ms. SMITH (for herself and Ms. KLOBUCHAR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 453

Whereas, around the world, butter can be found in cuisines of every culture, each of which use butter to enhance recipes and enrich lives;

Whereas butter has been on the dinner table for individuals for hundreds of years;

Whereas butter has served as a staple for family recipes that have been passed down for generations;

Whereas the average individual in the United States eats 6.3 pounds, or about 25 sticks, of cow's butter each year;

Whereas butter sculptures have been used to celebrate scenes and individuals from across the United States since the 19th century;

Whereas butter is the crucial ingredient in mouth-watering sauces, rich cookies, creamy mashed potatoes, hearty casseroles, and much more;

Whereas butter producers, processors, and dealers have always ensured that butter was available for cooks across the United States; and

Whereas butter has improved the meals that have brought families and friends together: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 17, 2021, as ''National Butter Day''; and

(2) encourages the people of the United States to celebrate National Butter Day with their favorite buttery dishes and baked goods.

SENATE RESOLUTION 454—EXPRESSING SUPPORT FOR THE DESIGNATION OF NOVEMBER 21, 2021, AS ''NATIONAL WARRIOR CALL DAY'' AND RECOGNIZING THE IMPORTANCE OF CONNECTING WARRIORS IN THE UNITED STATES TO SUPPORT STRUCTURES NECESSARY TO TRANSITION FROM THE BATTLEFIELD

Mrs. SHAHEEN (for herself, Mr. COTTON, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Ms. ROSEN, Mr. HOEVEN, and Mrs. HYDE-SMITH) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 454

Whereas establishing an annual ''National Warrior Call Day'' will draw attention to the members of the Armed Forces whose connection to one another is key to the veterans and first responders in the United States who may be dangerously disconnected from family, friends, and support systems;

Whereas the number of suicides of members of the Armed Forces serving on active duty increased to 377 in 2020, a figure up from 348 in 2019;

Whereas the suicide rate for veterans has steadily increased since 2006, with 6,261 veterans taking their own lives in 2019;

Whereas, after adjusting for sex and age, the rate of veteran suicide in 2018 was 27.5 per 100,000 individuals, higher than the rate among all United States adults at 18.3 per 100,000 individuals;

Whereas more veterans have died by suicide in the last 10 years than members of the Armed Forces who died from combat in Vietnam;

Whereas many of the veterans who take their own lives have had no contact with the Department of Veterans Affairs;

Whereas the Coronavirus Disease 2019 (COVID–19) pandemic can lead to increased isolation and disconnection, further exacerbating mental and physical ailments such as post-traumatic stress disorder and traumatic brain injury;

Whereas the Centers for Disease Control and Prevention note that law enforcement officers and firefighters are more likely to die by suicide than in the line of duty, and emergency medical services providers are 1.39 times more likely to die by suicide than members of the general public;

Whereas invisible wounds linked to an underlying and undiagnosed traumatic brain injury can mirror many mental health conditions, a problem that can be addressed through appropriate medical treatment;

Whereas additional research is needed to highlight the connection between traumatic brain injury as a root cause of invisible wounds and suicide by members of the Armed Forces and veterans; and

Whereas November 21, 2021, would be an appropriate day to designate as ''National Warrior Call Day'': Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of November 21, 2021, as ''National Warrior Call Day'';

(2) encourages all individuals in the United States, especially members of the Armed Forces serving on active duty and veterans, to call up a warrior, have an honest conversation, and connect them with support, understanding that making a warrior call could save a life; and

(3) implores all individuals in the United States to recommit themselves to engaging with members of the Armed Forces through ''National Warrior Call Day'' and other constructive efforts that result in solutions and treatment for the invisible scars they carry.

SENATE RESOLUTION 455—DESIGNATING NOVEMBER 2021 AS ''NATIONAL HOSPICE AND PALLIATIVE CARE MONTH''

Ms. ROSEN (for herself, Mr. BARRASSO, Ms. BALDWIN, and Mrs. FISCHER) submitted the following resolution; which was considered and agreed to:

S. RES. 455

Whereas palliative care and hospice services—

(1) can empower individuals to live as fully as possible, surrounded and supported by family and loved ones, despite serious illnesses or injuries; and

(2) are critical parts of the continuum of supports and services people with serious illness and their families need;

Whereas the Coronavirus Disease 2019 (COVID–19) pandemic public health emergency has—

(1) led to a sudden and unexpected increase in the number of individuals facing a serious illness or injury, which has brought attention to the need for better understanding and use of—

(A) hospice;

(B) palliative care; and

(C) advance care planning;

(2) disproportionately impacted residents of nursing homes and other long-term care facilities; and

(3) limited access to family caregivers who play a critical role in palliative care and hospice for their loved ones;

Whereas ensuring access to palliative care and hospice for all individuals in the United States in need, regardless of age, race, ethnicity, or socioeconomic status, is important;

Whereas palliative care and hospice aims to bring patients and family caregivers high-quality care delivered by an interdisciplinary team of skilled health care professionals, including—

(1) physicians;

(2) nurses;

(3) social workers;

(4) therapists;

(5) counselors;

(6) health aides;

(7) spiritual care providers; and

(8) other health care professionals;

Whereas there is a need to increase training opportunities for health care professionals to receive interdisciplinary team-based training in palliative care and hospice;

Whereas hospice focuses on quality of life through pain management and symptom control, caregiver assistance, and emotional and spiritual support, with the goal of allowing patients to live fully until the end of life, surrounded and supported by loved ones, friends, and caregivers;

Whereas trained palliative care and hospice professionals, during a time of trauma and loss, can provide grief and bereavement support services to individuals with a serious illness or injury, the family members of those individuals, and others;

Whereas palliative care is a patient and family-centered approach to care that—

(1) provides relief from symptoms and stress;

(2) can be complementary to curative treatments; and

(3) improves the quality of life of the patient and their family;

Whereas, in 2019, more than 1,660,000 individuals in the United States living with a serious illness or injury, and the families of those individuals, received care and support from hospice programs in communities across the United States;

Whereas volunteers continue to play a vital role in supporting hospice care and operations; and

Whereas palliative care and hospice providers encourage all patients to learn more about their options for care and to share their preferences with family, loved ones, and health care professionals: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 2021 as ''National Hospice and Palliative Care Month''; and

(2) encourages the people of the United States—

(A) to increase their understanding and awareness of—

(i) care for hospice patients with a serious illness or injury; and

(ii) the benefits of integrating palliative care early into the treatment plans for patients with a serious illness or injury;

(B) to recognize the care and dedication of—

(i) millions of family caregivers; and

(ii) tens of thousands of palliative care and hospice staff and volunteers; and

(C) to observe ''National Hospice and Palliative Care Month'' with appropriate activities and programs.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4733. Mr. RUBIO (for himself, Ms. CANTWELL, Mrs. BLACKBURN, Ms. ROSEN, Ms. COLLINS, Ms. HASSAN, Mr. CRAPO, Mr. PETERS, and Mr. KING) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4734. Ms. HASSAN (for herself and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4735. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4736. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4737. Mrs. GILLIBRAND (for herself, Mr. RUBIO, Mr. HEINRICH, Mr. BLUNT, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4738. Mr. MENENDEZ (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4739. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4740. Ms. SMITH (for herself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4741. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4742. Mr. BRAUN submitted an amendment intended to be proposed by him to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4743. Mr. BENNET (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4744. Mr. BENNET (for himself and Mr. SASSE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4745. Mr. GRASSLEY (for himself and Mr. WARNOCK) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4746. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4747. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4748. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4749. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4750. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4751. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4752. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4753. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4754. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4755. Mr. CASEY (for himself, Mr. CORNYN, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4756. Mrs. SHAHEEN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4757. Mr. BURR (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4758. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4759. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4760. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4761. Mr. WARNOCK (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4762. Mr. WARNOCK submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4763. Mr. CORNYN (for himself, Mr. RUBIO, Mrs. HYDE-SMITH, and Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4764. Mr. MENENDEZ (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4765. Mr. HAGERTY (for himself, Mr. KING, and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4766. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4767. Ms. DUCKWORTH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4768. Mr. CRAMER (for himself, Ms. HIRONO, Mr. WICKER, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4769. Mr. WARNOCK submitted an amendment intended to be proposed to

amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4770. Ms. MURKOWSKI (for herself, Mr. KING, and Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4771. Mr. HICKENLOOPER (for himself, Mr. CRAMER, Mr. KELLY, and Mr. MORAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4772. Mr. VAN HOLLEN (for himself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4773. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4774. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4775. Mr. REED submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4776. Mr. PETERS (for himself, Mr. PORTMAN, and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4777. Mrs. FISCHER (for herself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4778. Mr. BOOKER (for himself, Mr. CORNYN, Mr. COONS, Mr. PORTMAN, Mr. GRAHAM, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4779. Mr. PETERS (for himself, Mr. PORTMAN, and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4780. Mr. PETERS (for himself, Mr. PORTMAN, and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4781. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4782. Mr. CORNYN (for himself, Mr. COONS, Mr. YOUNG, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4733. Mr. RUBIO (for himself, Ms. CANTWELL, Mrs. BLACKBURN, Ms. ROSEN, Ms. COLLINS, Ms. HASSAN, Mr. CRAPO, Mr. PETERS, and Mr. KING) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SECTION 1283. UNITED STATES–ISRAEL ARTIFICIAL INTELLIGENCE CENTER.

(a) SHORT TITLE.—This section may be cited as the ''United States-Israel Artificial Intelligence Center Act''.

(b) ESTABLISHMENT OF CENTER.—The Secretary of State, in consultation with the Secretary of Commerce, the Director of the National Science Foundation, and the heads of other relevant Federal agencies, may establish the United States–Israel Artificial Intelligence Center (referred to in this section as the ''Center'') in the United States.

(c) PURPOSE.—The purpose of the Center shall be to leverage the experience, knowledge, and expertise of institutions of higher education and private sector entities in the United States and Israel to develop more robust research and development cooperation in the areas of—

(1) machine learning;
(2) image classification;
(3) object detection;
(4) speech recognition;
(5) natural language processing;
(6) data labeling;
(7) computer vision; and
(8) model explainability and interpretability.

(d) ARTIFICIAL INTELLIGENCE PRINCIPLES.—In carrying out the purposes set forth in subsection (c), the Center shall adhere to the principles for the use of artificial intelligence in the Federal Government set forth in section 3 of Executive Order 13960 (85 Fed. Reg. 78939).

(e) INTERNATIONAL PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary of State and the heads of other relevant Federal agencies, subject to the availability of appropriations, may enter into cooperative agreements supporting and enhancing dialogue and planning involving international partnerships between the Department of State or such agencies and the Government of Israel and its ministries, offices, and institutions.

(2) FEDERAL SHARE.—Not more than 50 percent of the costs of implementing the agreements entered into pursuant to paragraph (1) may be paid by the United States Government.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Center $10,000,000 for each of the fiscal years 2022 through 2026.

SA 4734. Ms. HASSAN (for herself and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2___. APPLICATION OF PUBLIC-PRIVATE TALENT EXCHANGE PROGRAMS IN THE DEPARTMENT OF DEFENSE TO QUANTUM INFORMATION SCIENCES AND TECHNOLOGY RESEARCH.

In carrying out section 1599g of title 10, United States Code, the Secretary of Defense may establish public-private exchange programs, each with up to 10 program participants, focused on private sector entities working on quantum information sciences and technology research applications.

SEC. 2___. BRIEFING ON SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE EDUCATION PROGRAM.

Not later than three years after the date of the enactment of this Act, the Secretary of Defense shall provide Congress with a briefing on participation and use of the program under section 2192a of title 10, United States Code, as amended by this subsection, with a particular focus on levels of interest from students engaged in studying quantum fields.

SEC. 2___. IMPROVEMENTS TO DEFENSE QUANTUM INFORMATION SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) FELLOWSHIP PROGRAM AUTHORIZED.—Section 234 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2358 note) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) FELLOWSHIPS.—

''(1) PROGRAM AUTHORIZED.—In carrying out the program required by subsection (a) and subject to the availability of appropriations to carry out this subsection, the Secretary may carry out a program of fellowships in quantum information science and technology research and development for individuals who have a graduate or post-graduate degree.

''(2) EQUAL ACCESS.—In carrying out the program under paragraph (1), the Secretary may establish procedures to ensure that minority, geographically diverse, and economically disadvantaged students have equal access to fellowship opportunities under such program.''.

(b) MULTIDISCIPLINARY PARTNERSHIPS WITH UNIVERSITIES.—Such section is further amended—

(1) by redesignating subsection (g), as redesignated by subsection (a)(1), as subsection (h); and

(2) by inserting after subsection (f), as added by subsection (a)(2), the following new subsection (g):

''(g) MULTIDISCIPLINARY PARTNERSHIPS WITH UNIVERSITIES.—In carrying out the program under subsection (a), the Secretary of Defense may develop partnerships with universities to enable students to engage in multidisciplinary courses of study.''.

(c) COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT OF PROGRAM.—

(1) ASSESSMENT AND BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall—

(A) commence an assessment of the program carried out under section 234 of the

John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2358 note), as amended by this section, with consideration of the report submitted under subsection (h) of such section (as redesignated by subsection (b)(2) of this section); and

(B) provide the congressional defense committees a briefing on the preliminary findings of the Comptroller General with respect to such program.

(2) FINAL REPORT.—At a date agreed to by the Comptroller General and the congressional defense committees at the briefing provided pursuant to paragraph (1)(B), the Comptroller General shall submit to the congressional defense committees a final report with the findings of the Comptroller General with respect to the assessment conducted under paragraph (1)(A).

SA 4735. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 576. COUNTERING EXTREMISM IN THE ARMED FORCES.

(a) COUNTERING EXTREMISM.—

(1) IN GENERAL.—Title 10, United States Code, is amended—

(A) in Part II of subtitle A, by adding at the end the following new chapter:

"CHAPTER 89—COUNTERING EXTREMISM

"§ 1801. Senior Official for Countering Extremism

''(a) DESIGNATION.—The Secretary of Defense shall designate an Under Secretary of Defense as the Senior Official for Countering Extremism.

''(b) DUTIES.—The Senior Official shall—

''(1) coordinate and facilitate programs, resources, and activities within the Department of Defense to counter extremist activities, to include screening of publicly available information and Insider Threat Programs;

''(2) coordinate with Federal, State, and local enforcement organizations to counter extremism within the Department of Defense;

''(3) coordinate with the Secretary of Veterans Affairs on addressing and preventing extremist activities following an individual's separation from the armed forces;

''(4) engage and interact with, and solicit recommendations from, outside experts on extremist activities; and

''(5) perform any additional duties prescribed by the Secretary of Defense, in consultation with the Secretary of Homeland Security.

"§ 1802. Training and education

''(a) IN GENERAL.—The Secretary of each military department, in coordination with the Senior Official for Countering Extremism, shall develop and implement training and education programs and related materials to assist members of the armed forces and civilian employees of the Department of Defense in identifying, preventing, responding to, reporting, and mitigating the risk of extremist activities.

''(b) CONTENT.—The training and education described in subsection (a) shall include specific material for activities determined by the Senior Official for Countering Extremism as high risk for extremist activities, including recruitment activities and separating members of the armed forces.

''(c) REQUIREMENTS.—The Secretary of Defense, in consultation with the Secretary of Homeland Security, shall provide the training and education described in subsection (a)—

''(1) to a member of the armed forces, civilian employee of the Department of Defense, cadet at a military service academy, or an individual in a pre-commissioning program no less than once a year;

''(2) to a member of the armed forces whose discharge (regardless of character of discharge) or release from active duty is anticipated as of a specific date within the time period specified under section 1142(a)(3) of this title;

''(3) to a member of the armed forces performing recruitment activities within the 30 days prior to commencing such activities; and

''(4) additionally as determined by the Secretary of Defense.

"§ 1803. Data collection and analysis

''(a) IN GENERAL.—The Senior Official for Countering Extremism, in consultation with the Deputy Inspector General, shall establish and maintain a database on extremist activities in the Department of Defense.

''(b) CONTENT.—The database established under subsection (a) shall—

''(1) include records on each allegation, investigation, disciplinary action, and separation related to extremist activities within the Department of Defense;

''(2) include, as appropriate, information related to extremist activities in the armed forces provided by or generated from information from a Federal law enforcement agency; and

''(3) any other requirements prescribed by the Secretary of Defense, in consultation with the Secretary of Homeland Security.

"§ 1804. Reporting requirements

''(a) ANNUAL REPORT.—Not later than December 1 of each year, the Deputy Inspector General, through the Senior Official for Countering Extremism and the Inspector General, shall submit to Congress a report on the prevalence of extremist activities within the Department of Defense.

''(b) ELEMENTS.—The report required by subsection (a) shall include each of the following elements:

''(1) The number of extremist activity allegations, investigations, disciplinary actions, and separations disaggregated data by the armed force, race, gender, ethnicity, grade, and rank of the principal.

''(2) An analysis and assessment of trends in the incidence and disposition of extremist activities during the year covered by the report.

''(3) Any other matters as determined by the Senior Official for Countering Extremism.

''(c) PUBLICATION.—The Secretary of Defense shall—

''(1) publish on an appropriate publicly available website of the Department of Defense the reports required by subsection (a); and

''(2) ensure that any data included with each such report is made available in a machine-readable format that is downloadable, searchable, and sortable.

"§ 1805. Definitions

''The following definitions apply in this chapter:

''(1) The term 'Deputy Inspector General' means the Deputy Inspector General of the Department of Defense for Diversity and Inclusion and Supremacist, Extremist, and Criminal Gang Activity established by Section 554 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283).

''(2) The term 'extremist activities' shall—

''(A) have the meaning prescribed by the Secretary of Defense; and

''(B) include affiliation with (including membership in) an extremist organization.

''(3) The term 'extremist insider threat' means a member of the armed forces or civilian employee of the Department of Defense with access to government information, systems, or facilities, who—

''(A) can use such access to do harm to the security of the United States; and

''(B) engages in extremist activities.

''(4) The term 'extremist organization' shall have the meaning prescribed by the Secretary of Defense.

''(5) The term 'principal' means a member of the armed forces or civilian employee of the Department of Defense who engages in an extremist activity, or aids, abets, counsels, commands, or procures its commission.''; and

(B) in chapter 39, by inserting after section 985 the following new section:

"§ 986. Prohibition on extremist activities

''(a) PROHIBITION.—An individual who engages in extremist activities may not serve as a member of the armed forces.

''(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations regarding the separation of a member of the armed forces who engages in extremist activities.

''(c) DISSEMINATION OF EXTREMIST CONTENT.—The Secretary of Defense may use extremist content knowingly shared, disseminated, or otherwise made available online (including on social media platforms and accounts) by an individual who serves in an armed force as cause for involuntary separation of such individual from an armed force.

''(d) DEFINITIONS.—In this section:

''(1) The term 'extremist activities' has the meaning given such term in section 1805 of this title.

''(2) The term 'extremist content' means content that expresses support for extremist activities (as that term is defined in section 1805 of this title).''.

(2) CLERICAL AMENDMENTS.—

(A) PART II OF SUBTITLE A.—The table of chapters for part II of subtitle A of title 10, United States Code, is amended by inserting after the item relating to chapter 88 the following new item:

''CHAPTER 89—COUNTERING EXTREMISM''.

(B) CHAPTER 39.—The table of sections at the beginning of chapter 39 is amended by inserting after the item relating to section 985 the following new item:

''986. Prohibition on extremist activities.''.

(b) COORDINATION OF EFFORTS WITH INSPECTOR GENERAL.—Section 554(a)(3) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended by adding at the end the following new subparagraph:

''(E) The Senior Official for Countering Extremism.''.

(c) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations under chapter 89 of title 10, United States Code (including definitions under section 1805 of such title), as added by subsection (a).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the day that the Secretary of Defense prescribes regulations under subsection (c).

(e) PROGRESS REPORT.—Not later than 240 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the status of the implementation of chapter 89 of title 10, United States Code, as added by subsection (a)(1)(A), and the implementation of section 986 of such title, as added by subsection (a)(1)(B).

SA 4736. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____. UNDERWATER LAUNCH TESTING OF CONVENTIONAL PROMPT STRIKE WEAPON SYSTEM.

(a) TESTING REQUIRED.—Not later than September 30, 2024, the Secretary of the Navy shall commence underwater launch testing for the Conventional Prompt Strike weapon system to facilitate capability deployment on a Virginia-class submarine before September 30, 2027.

(b) ADDITIONAL FUNDING.—

(1) IN GENERAL.—The amount authorized to be appropriated for fiscal year 2022 by section 201 for research, development, test, and evaluation is hereby increased by $50,000,000, with the amount of the increase to be available for New Design SSN (PE 0604558N).

(2) AVAILABILITY.—Of the amount made available under paragraph (1), $50,000,000 shall be available to accelerate Conventional Prompt Strike weapon system integration on Virginia-class submarines.

(c) OFFSET.—The amount authorized to be appropriated for fiscal year 2022 by section 301 for operation and maintenance is hereby decreased by $50,000,000 with the amount of the decrease to be taken from amounts available as specified in the funding table in section 4301 for the Afghanistan Security Forces Fund, Afghan Air Force Sustainment.

SA 4737. Mrs. GILLIBRAND (for herself, Mr. RUBIO, Mr. HEINRICH, Mr. BLUNT, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XV, insert the following:

SEC. ____. ESTABLISHMENT OF STRUCTURE AND AUTHORITIES TO ADDRESS UNIDENTIFIED AERIAL PHENOMENA.

(a) ESTABLISHMENT OF ANOMALY SURVEILLANCE AND RESOLUTION OFFICE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Director of National Intelligence, establish an office within an appropriate component of the Department of Defense, or within a joint organization of the Department of Defense and the Office of the Director of National Intelligence, to assume—

(A) the duties of the Unidentified Aerial Phenomenon Task Force, as in effect on the day before the date of the enactment of this Act; and

(B) such other duties as are required by this section.

(2) DESIGNATION.—The office established under paragraph (1) shall be known as the ''Anomaly Surveillance and Resolution Office'' (in this section referred to as the ''Office'').

(3) TERMINATION OR SUBORDINATION OF PRIOR TASK FORCE.—Upon the establishment of the Anomaly Surveillance and Resolution Office, the Secretary shall terminate the Unidentified Aerial Phenomenon Task Force or subordinate it to the Office.

(b) FACILITATION OF REPORTING AND DATA SHARING.—The Director and the Secretary shall each, in coordination with each other, require that—

(1) each element of the intelligence community and the Department, with any data that may be relevant to the investigation of unidentified aerial phenomena, make such data available immediately to the Office; and

(2) military and civilian personnel employed by or under contract to the Department or an element of the intelligence community shall have access to procedures by which they shall report incidents or information, including adverse physiological effects, involving or associated with unidentified aerial phenomena directly to the Office.

(c) DUTIES.—The duties of the Office established under subsection (a) shall include the following:

(1) Developing procedures to synchronize and standardize the collection, reporting, and analysis of incidents, including adverse physiological effects, regarding unidentified aerial phenomena across the Department and in consultation with the intelligence community.

(2) Developing processes and procedures to ensure that such incidents from each component of the Department and each element of the intelligence community are reported and incorporated in a centralized repository.

(3) Establishing procedures to require the timely and consistent reporting of such incidents.

(4) Evaluating links between unidentified aerial phenomena and adversarial foreign governments, other foreign governments, or nonstate actors.

(5) Evaluating the threat that such incidents present to the United States.

(6) Consulting with other departments and agencies of the Federal Government, as appropriate, including the Federal Aviation Administration, the National Aeronautics and Space Administration, the Department of Homeland Security, the National Oceanic and Atmospheric Administration, and the Department of Energy.

(7) Consulting with allies and partners of the United States, as appropriate, to better assess the nature and extent of unidentified aerial phenomena.

(8) Preparing reports for Congress, in both classified and unclassified form, as required by subsections (h) and (i).

(d) EMPLOYMENT OF LINE ORGANIZATIONS FOR FIELD INVESTIGATIONS OF UNIDENTIFIED AERIAL PHENOMENA.—

(1) IN GENERAL.—The Secretary shall, in coordination with the Director, designate line organizations within the Department of Defense and the intelligence community that possess appropriate expertise, authorities, accesses, data, systems, platforms, and capabilities to rapidly respond to, and conduct field investigations of, incidents involving unidentified aerial phenomena under the direction of the Office.

(2) PERSONNEL, EQUIPMENT, AND RESOURCES.—The Secretary, in coordination with the Director, shall take such actions as may be necessary to ensure that the designated organization or organizations have available adequate personnel with requisite expertise, equipment, transportation, and other resources necessary to respond rapidly to incidents or patterns of observations of unidentified aerial phenomena of which the Office becomes aware.

(e) UTILIZATION OF LINE ORGANIZATIONS FOR SCIENTIFIC, TECHNOLOGICAL, AND OPERATIONAL ANALYSES OF DATA ON UNIDENTIFIED AERIAL PHENOMENA.—

(1) IN GENERAL.—The Secretary, in coordination with the Director, shall designate one or more line organizations that will be primarily responsible for scientific, technical, and operational analysis of data gathered by field investigations conducted under subsection (d), or data from other sources, including testing of materials, medical studies, and development of theoretical models to better understand and explain unidentified aerial phenomena.

(2) AUTHORITY.—The Secretary and the Director shall promulgate such directives as necessary to ensure that the designated line organizations have authority to draw on special expertise of persons outside the Federal Government with appropriate security clearances.

(f) INTELLIGENCE COLLECTION AND ANALYSIS PLAN.—

(1) IN GENERAL.—The head of the Office shall supervise the development and execution of an intelligence collection and analysis plan on behalf of the Secretary and the Director to gain as much knowledge as possible regarding the technical and operational characteristics, origins, and intentions of unidentified aerial phenomena, including the development, acquisition, deployment, and operation of technical collection capabilities necessary to detect, identify, and scientifically characterize unidentified aerial phenomena.

(2) USE OF RESOURCES AND CAPABILITIES.—In developing the plan required by paragraph (1), the head of the Office shall consider and propose, as appropriate, the use of any resource, capability, asset, or process of the Department and the intelligence community.

(g) SCIENCE PLAN.—The head of the Office shall supervise the development and execution of a science plan on behalf of the Secretary and the Director to develop and test, as practicable, scientific theories to account for characteristics and performance of unidentified aerial phenomena that exceed the known state of the art in science or technology, including in the areas of propulsion, aerodynamic control, signatures, structures, materials, sensors, countermeasures, weapons, electronics, and power generation, and to provide the foundation for potential future investments to replicate any such advanced characteristics and performance.

(h) ASSIGNMENT OF PRIORITY.—The Director, in consultation with, and with the recommendation of the Secretary, shall assign an appropriate level of priority within the National Intelligence Priorities Framework to the requirement to understand, characterize, and respond to unidentified aerial phenomena.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the work of the Office, including—

(1) general intelligence gathering and intelligence analysis; and

(2) strategic defense, space defense, defense of controlled air space, defense of ground, air, or naval assets, and related purposes.

(j) ANNUAL REPORT.—

(1) REQUIREMENT.—Not later than October 31, 2022, and annually thereafter until October 31, 2026, the Secretary in consultation with the Director, shall submit to the appropriate committees of Congress a report on unidentified aerial phenomena.

(2) ELEMENTS.—Each report under paragraph (1) shall include, with respect to the year covered by the report, the following information:

(A) An analysis of data and intelligence received through reports of unidentified aerial phenomena.

(B) An analysis of data relating to unidentified aerial phenomena collected through—

(i) geospatial intelligence

(ii) signals intelligence;

(iii) human intelligence; and

(iv) measurement and signals intelligence.

(C) The number of reported incidents of unidentified aerial phenomena over restricted air space of the United States.

(D) An analysis of such incidents identified under subparagraph (C).

(E) Identification of potential aerospace or other threats posed by unidentified aerial phenomena to the national security of the United States.

(F) An assessment of any activity regarding unidentified aerial phenomena that can be attributed to one or more adversarial foreign governments.

(G) Identification of any incidents or patterns regarding unidentified aerial phenomena that indicate a potential adversarial foreign government may have achieved a breakthrough aerospace capability.

(H) An update on the coordination by the United States with allies and partners on efforts to track, understand, and address unidentified aerial phenomena.

(I) An update on any efforts to capture or exploit discovered unidentified aerial phenomena.

(J) An assessment of any health-related effects for individuals who have encountered unidentified aerial phenomena.

(K) The number of reported incidents, and descriptions thereof, of unidentified aerial phenomena associated with military nuclear assets, including strategic nuclear weapons and nuclear-powered ships and submarines.

(L) In consultation with the Administrator of the National Nuclear Security Administration, the number of reported incidents, and descriptions thereof, of unidentified aerial phenomena associated with facilities or assets associated with the production, transportation, or storage of nuclear weapons or components thereof.

(M) In consultation with the Chairman of the Nuclear Regulatory Commission, the number of reported incidents, and descriptions thereof, of unidentified aerial phenomena or drones of unknown origin associated with nuclear power generating stations, nuclear fuel storage sites, or other sites or facilities regulated by the Nuclear Regulatory Commission.

(N) The names of the line organizations that have been designated to perform the specific functions imposed by subsections (d) and (e) of this section, and the specific functions for which each such line organization has been assigned primary responsibility.

(3) FORM.— Each report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(k) SEMIANNUAL BRIEFINGS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and not less frequently than semiannually thereafter until December 31, 2026, the head of the Office shall provide the classified briefings on unidentified aerial phenomena to—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) FIRST BRIEFING.—The first briefing provided under paragraph (1) shall include all incidents involving unidentified aerial phenomena that were reported to the Unidentified Aerial Phenomena Task Force or to the Office after June 24, 2021, regardless of the date of occurrence of the incident.

(3) SUBSEQUENT BRIEFINGS.—Each briefing provided subsequent to the first briefing described in paragraph (2) shall include, at a minimum, all events relating to unidentified aerial phenomena that occurred during the previous 180 days, and events relating to unidentified aerial phenomena that were not included in an earlier briefing due to delay in an incident reaching the reporting system or other such factors.

(4) INSTANCES IN WHICH DATA WAS NOT SHARED.—For each briefing period, the Chairman and Vice Chairman or Ranking Member of the Committee on Armed Services and the Select Committee on Intelligence of the Senate and the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives shall receive an enumeration of any instances in which data related to unidentified aerial phenomena was denied to the Office because of classification restrictions on that data or for any other reason.

(l) AERIAL AND TRANSMEDIUM PHENOMENA ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—(A) Not later than October 1, 2022, the Secretary and the Director shall establish an advisory committee for the purpose of—

(i) advising the Office in the execution of the duties of the Office as provided by this subsection; and

(ii) advising the Secretary and the Director regarding the gathering and analysis of data, and scientific research and development pertaining to unidentified aerial phenomena.

(B) The advisory committee established under subparagraph (A) shall be known as the ''Aerial and Transmedium Phenomena Advisory Committee'' (in this subparagraph the ''Committee'').

(2) MEMBERSHIP.—(A) Subject to subparagraph (B), the Committee shall be composed of members as follows:

(i) 20 members selected by the Secretary as follows:

(I) Three members selected from among individuals recommended by the Administrator of the National Astronautics and Space Administration.

(II) Two members selected from among individuals recommended by the Administrator of the Federal Aviation Administration.

(III) Two members selected from among individuals recommended by the President of the National Academies of Sciences.

(IV) Two members selected from among individuals recommended by the President of the National Academy of Engineering.

(V) One member selected from among individuals recommended by the President of the National Academy of Medicine.

(VI) Three members selected from among individuals recommended by the Director of the Galileo Project at Harvard University.

(VII) Two members selected from among individuals recommended by the Board of Directors of the Scientific Coalition for Unidentified Aerospace Phenomena Studies.

(VIII) Two members selected from among individuals recommended by the President of the American Institute of Astronautics and Aeronautics.

(IX) Two members selected from among individuals recommended by the Director of the Optical Technology Center at Montana State University.

(X) One member selected from among individuals recommended by the president of the American Society for Photogrammetry and Remote Sensing.

(ii) Up to five additional members, as the Secretary, in consultation with the Director, considers appropriate, selected from among individuals with requisite expertise, at least 3 of whom shall not be employees of any Federal Government agency or Federal Government contractor.

(B) No individual may be appointed to the Committee under subparagraph (A) unless the Secretary and the Directly jointly determine that the individual—

(i) qualifies for a security clearance at the secret level or higher;

(ii) possesses scientific, medical, or technical expertise pertinent to some aspect of the investigation and analysis of unidentified aerial phenomena; and

(iii) has previously conducted research or writing that demonstrates scientific, technological, or operational knowledge regarding aspects of the subject matter, including propulsion, aerodynamic control, signatures, structures, materials, sensors, countermeasures, weapons, electronics, power generation, field investigations, forensic examination of particular cases, analysis of open source and classified information regarding domestic and foreign research and commentary, and historical information pertaining to unidentified aerial phenomena.

(C) The Secretary and Director may terminate the membership of any individual on the Committee upon a finding by the Secretary and the Director jointly that the member no longer meets the criteria specified in this subsection.

(3) CHAIRPERSON.—The Secretary shall, in coordination with the Director, designate a temporary Chairperson of the Committee, but at the earliest practicable date the Committee shall elect a Chairperson from among its members, who will serve a term of 2 years, and is eligible for re-election.

(4) EXPERT ASSISTANCE, ADVICE, AND RECOMMENDATIONS.—(A) The Committee may, upon invitation of the head of the Office, provide expert assistance or advice to any line organization designated to carry out field investigations or data analysis as authorized by subsections (d) and (e).

(B) The Committee, on its own initiative, or at the request of the Director, the Secretary, or the head of the Office, may provide advice and recommendations regarding best practices with respect to the gathering and analysis of data on unidentified aerial phenomena in general, or commentary regarding specific incidents, cases, or classes of unidentified aerial phenomena.

(5) REPORT.—Not later than December 31, 2022, and not later than December 31 of each year thereafter, the Committee shall submit a report summarizing its activities and recommendations to the following:

(A) The Secretary.

(B) The Director.

(C) The head of the Office.

(D) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(E) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(6) RELATION TO FACA.—For purposes of the Federal Advisory Committee Act (5 U.S.C. App.), the Committee shall be considered an

advisory committee (as defined in section 3 of such Act, except as otherwise provided in the section or as jointly deemed warranted by the Secretary and the Director under section 4(b)(3) of such Act.

(7) TERMINATION OF COMMITTEE.—The Committee shall terminate on the date that is six years after the date of the establishment of the Committee.

(m) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) The term ''intelligence community'' has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(3) The term ''transmedium objects or devices'' means objects or devices that are observed to transition between space and the atmosphere, or between the atmosphere and bodies of water, that are not immediately identifiable.

(4) The term ''unidentified aerial phenomena'' means—

(A) airborne objects that are not immediately identifiable;

(B) transmedium objects or devices; and

(C) submerged objects or devices that are not immediately identifiable and that display behavior or performance characteristics suggesting that they may be related to the subjects described in subparagraph (A) or (B).

SA 4738. Mr. MENENDEZ (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—U.S.-Greece Defense and Interparliamentary Partnership Act of 2021

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ''U.S.-Greece Defense and Interparliamentary Partnership Act of 2021''.

SEC. 1292. FINDINGS.

Congress makes the following findings:

(1) The United States and Greece are strong allies in the North Atlantic Treaty Organization (NATO) and have deepened their defense relationship in recent years in response to growing security challenges in the Eastern Mediterranean region.

(2) Greece participates in several NATO missions, including Operation Sea Guardian in the Mediterranean and NATO's mission in Kosovo.

(3) The Eastern Mediterranean Security and Energy Partnership Act (title II of division J of Public Law 116–94), authorized new security assistance for Greece and Cyprus, lifted the United States prohibition on arms transfers to Cyprus, and authorized the establishment of a United States-Eastern Mediterranean Energy Center to facilitate energy cooperation among the United States, Greece, Israel, and Cyprus.

(4) The United States has demonstrated its support for the trilateral partnership of Greece, Israel, and Cyprus through joint engagement with Cyprus, Greece, Israel, and the United States in the ''3+1'' format.

(5) The United States and Greece have held Strategic Dialogue meetings in Athens, Washington D.C., and virtually, and have committed to hold an upcoming Strategic Dialogue session in 2021 in Washington, D.C.

(6) In October 2019, the United States and Greece agreed to update the United States-Greece Mutual Defense Cooperation Agreement, and the amended agreement officially entered into force on February 13, 2020.

(7) The amended Mutual Defense Cooperation Agreement provides for increased joint United States-Greece and NATO activities at Greek military bases and facilities in Larissa, Stefanovikio, Alexandroupolis, and other parts of central and northern Greece, and allows for infrastructure improvements at the United States Naval Support Activity Souda Bay base on Crete.

(8) In October 2020, Greek Foreign Minister Nikos Dendias announced that Greece hopes to further expand the Mutual Defense Cooperation Agreement with the United States.

(9) The United States Naval Support Activity Souda Bay serves as a critical naval logistics hub for the United States Navy's 6th Fleet.

(10) In June 2020, United States Ambassador to Greece Geoffrey Pyatt characterized the importance of Naval Support Activity Souda Bay as ''our most important platform for the projection of American power into a strategically dynamic Eastern Mediterranean region. From Syria to Libya to the chokepoint of the Black Sea, this is a critically important asset for the United States, as our air force, naval, and other resources are applied to support our Alliance obligations and to help bring peace and stability.''.

(11) The USS Hershel ''Woody'' Williams, the second of a new class of United States sea-basing ships, is now based out of Souda Bay, the first permanent United States naval deployment at the base.

(12) The United States cooperates with the Hellenic Armed Forces at facilities in Larissa, Stefanovikio, and Alexandroupolis, where the United States Armed Forces conduct training, refueling, temporary maintenance, storage, and emergency response.

(13) The United States has conducted a longstanding International Military Education and Training (IMET) program with Greece, and the Government of Greece has committed to provide $3 for every dollar invested by the United States in the program.

(14) Greece's defense spending in 2020 amounted to an estimated 2.68 percent of its gross domestic product (GDP), exceeding NATO's 2 percent of GDP benchmark agreed to at the 2014 NATO Summit in Wales.

(15) Greece is eligible for the delivery of excess defense articles under section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)).

(16) In September 2020, Greek Prime Minister Kyriakos Mitsotakis announced plans to modernize all three branches of the Hellenic Armed Forces, which will strengthen Greece's military position in the Eastern Mediterranean.

(17) The modernization includes upgrades to the arms of all three branches, including new anti-tank weapons for the Hellenic Army, new heavy-duty torpedoes for the Hellenic Navy, and new guided missiles for the Hellenic Air Force.

(18) The Hellenic Navy also plans to upgrade its four MEKO 200HN frigates and purchase four new multirole frigates of an undisclosed type, to be accompanied by 4 MH-60R anti-submarine helicopters.

(19) The Hellenic Air Force plans to fully upgrade its fleet of F–16 jets to the F–16 Viper variant by 2027 and has expressed interest in participating in the F–35 Joint Strike Fighter program.

SEC. 1293. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Greece is a pillar of stability in the Eastern Mediterranean region and the United States should remain committed to supporting its security and prosperity;

(2) the 3+1 format of cooperation among Cyprus, Greece, Israel, and the United States has been a successful forum to cooperate on energy issues and should be expanded to include other areas of common concern to the members;

(3) the United States should increase and deepen efforts to partner with and support the modernization of the Greek military;

(4) it is in the interests of the United States that Greece continue to transition its military equipment away from Russian-produced platforms and weapons systems through the European Recapitalization Incentive Program;

(5) the United States Government should continue to deepen strong partnerships with the Greek military, especially in co-development and co-production opportunities with the Greek Navy;

(6) the naval partnerships with Greece at Souda Bay and Alexandroupolis are mutually beneficial to the national security of the United States and Greece;

(7) the United States should, as appropriate, support the sale of F–35 Joint Strike Fighters to Greece;

(8) the United States Government should continue to invest in International Military Education and Training (IMET) programs in Greece;

(9) the United States Government should support joint maritime security cooperation exercises with Cyprus, Greece, and Israel;

(10) in accordance with its legal authorities and project selection criteria, the United States Development Finance Corporation should consider supporting private investment in strategic infrastructure projects in Greece, to include shipyards and ports that contribute to the security of the region and Greece's prosperity;

(11) the extension of the Mutual Defense Cooperation Agreement with Greece for a period of five years includes deepened partnerships at Greek military facilities throughout the country and is a welcome development; and

(12) the United States Government should establish the United States-Eastern Mediterranean Energy Center as authorized in the Eastern Mediterranean Energy and Security Partnership Act of 2019.

SEC. 1294. FUNDING FOR EUROPEAN RECAPITALIZATION INCENTIVE PROGRAM.

(a) IN GENERAL.—To the maximum extent feasible, of the funds appropriated for the European Recapitalization Incentive Program, $25,000,000 for each of fiscal years 2022 through 2026 should be considered for Greece as appropriate to assist the country in meeting its defense needs and transitioning away from Russian-produced military equipment.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that provides a full accounting of all funds distributed under the European Recapitalization Incentive Program, including—

(1) identification of each recipient country;

(2) a description of how the funds were used; and

(3) an accounting of remaining equipment in recipient countries that was provided by the then-Soviet Union or Russian Federation.

SEC. 1295. SENSE OF CONGRESS ON LOAN PROGRAM.

It is the sense of Congress that, as appropriate, the United States Government should provide direct loans to Greece for the procurement of defense articles, defense services, and design and construction services pursuant to the authority of section 23 of the Arms Export Control Act (22 U.S.C. 2763) to support the further development of Greece's military forces.

SEC. 1296. TRANSFER OF F–35 JOINT STRIKE FIGHTER AIRCRAFT TO GREECE.

The President is authorized to expedite delivery of any future F–35 aircraft to Greece once Greece is prepared to move forward with such a purchase on such terms and conditions as the President may require. Such transfer shall be submitted to Congress pursuant to the certification requirements under section 36 of the Arms Export Control Act (22 U.S.C. 2776).

SEC. 1297. IMET COOPERATION WITH GREECE.

For each of fiscal years 2022 through 2026, $1,800,000 is authorized to be appropriated for International Military Education and Training assistance for Greece, which may be made available for the following purposes:

(1) Training of future leaders.

(2) Fostering a better understanding of the United States.

(3) Establishing a rapport between the United States Armed Forces and Greece's military to build partnerships for the future.

(4) Enhancement of interoperability and capabilities for joint operations.

(5) Focusing on professional military education, civilian control of the military, and protection of human rights.

SEC. 1298. CYPRUS, GREECE, ISRAEL, AND THE UNITED STATES 3+1 INTERPARLIAMENTARY GROUP.

(a) ESTABLISHMENT.—There is established a group, to be known as the ''Cyprus, Greece, Israel, and the United States 3+1 Interparliamentary Group'', to serve as a legislative component to the 3+1 process launched in Jerusalem in March 2019.

(b) MEMBERSHIP.—The Cyprus, Greece, Israel, and the United States 3+1 Interparliamentary Group shall include a group of not more than 6 United States Senators, to be known as the ''United States group'', who shall be appointed jointly by the majority leader and the minority leader of the Senate.

(c) MEETINGS.—Not less frequently than once each year, the United States group shall meet with members of the 3+1 group to discuss issues on the agenda of the 3+1 deliberations of the Governments of Greece, Israel, Cyprus, and the United States to include maritime security, defense cooperation, energy initiatives, and countering malign influence efforts by the People's Republic of China and the Russian Federation.

(d) TERMINATION.—The Cyprus, Greece, Israel, and the United States 3+1 Interparliamentary Group shall terminate 4 years after the date of the enactment of this Act.

SEC. 1299. APPROPRIATE CONGRESSIONAL COMMITTEES.

In this subtitle, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

SA 4739. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____. ACQUISITION STRATEGY TO MODERNIZE AIR FORCE FIGHTER PROPULSION SYSTEM.

(a) IN GENERAL.—Not later than 14 days after the date on which the budget of the President for fiscal year 2023 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees a report on the modernization of the fighter propulsion system or the integration of new technology, including the Adaptive Engine Transition Program propulsion system, into new fighters, including the Joint Strike Fighter (JSF) and the Next Generation Air Dominance programs.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A cost benefit analysis of—

(A) integrating the Adaptive Engine Transition Program propulsion system into each of the Joint Strike Fighter aircraft variants;

(B) modernizing or upgrading the existing F135 propulsion system on the Joint Strike Fighter variants;

(C) future associated infrastructure and sustainment costs of the modernized engine;

(D) cost savings associated with variant and Partner commonality; and

(E) assess all activities and costs to retrofit and sustain all Joint Strike Fighter with a modernized propulsion system.

(2) An implementation plan to implement such strategy.

(3) A cost benefit analysis of—

(A) integrating Adaptive Engine Transition Program technology into Next Generation Air Dominance programs; and

(B) modernizing or upgrading the existing F135 propulsion systems into the Next Generation Air Dominance programs.

(4) A schedule annotating pertinent milestones and yearly fiscal resource requirements for the implementation of a modernized F135 propulsion system.

(5) A schedule of milestones and yearly financial resource requirements for the implementation of the Adaptive Engine Transition Program.

SA 4740. Ms. SMITH (for herself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Rural Maternal and Obstetric Modernization of Services

SEC. 1071. IMPROVING RURAL MATERNAL AND OBSTETRIC CARE DATA.

(a) MATERNAL MORTALITY AND MORBIDITY ACTIVITIES.—Section 301(e) of the Public Health Service Act (42 U.S.C. 241) is amended by inserting '', preventable maternal mortality and severe maternal morbidity,'' after ''delivery''.

(b) OFFICE OF WOMEN'S HEALTH.—Section 310A(b)(1) of the Public Health Service Act (42 U.S.C. 242s(b)(1)) is amended by striking ''and sociocultural contexts,'' and inserting ''sociocultural (including among American Indians, Native Hawaiians, and Alaska Natives), and geographical contexts,''.

(c) SAFE MOTHERHOOD.—Section 317K of the Public Health Service Act (42 U.S.C. 247b–12) is amended—

(1) in subsection (a)(2)(A), by inserting '', including improving disaggregation of data (in a manner consistent with applicable State and Federal privacy laws)'' before the period; and

(2) in subsection (b)(2)—

(A) in subparagraph (L), by striking ''and'' at the end;

(B) by redesignating subparagraph (M) as subparagraph (N); and

(C) by inserting after subparagraph (L) the following:

''(M) an examination of the relationship between maternal health and obstetric services in rural areas and outcomes in delivery and postpartum care; and''.

(d) OFFICE OF RESEARCH ON WOMEN'S HEALTH.—Section 486(d)(4)(A)(iv) of the Public Health Service Act (42 U.S.C. 287d(d)(4)(A)(iv)) is amended by inserting '', including preventable maternal mortality and severe maternal morbidity'' before the semicolon.

SEC. 1072. RURAL OBSTETRIC NETWORK GRANTS.

The Public Health Service Act is amended by inserting after section 330A–1 of such Act (42 U.S.C. 254c–1a) the following:

''SEC. 330A–2. RURAL OBSTETRIC NETWORK GRANTS.

''(a) PROGRAM ESTABLISHED.—The Secretary shall award grants or cooperative agreements to eligible entities to establish collaborative improvement and innovation networks (referred to in this section as 'rural obstetric networks') to improve maternal and infant health outcomes and reduce preventable maternal mortality and severe maternal morbidity by improving maternity care and access to care in rural areas, frontier areas, maternity care health professional target areas, or jurisdictions of Indian Tribes and Tribal organizations.

''(b) USE OF FUNDS.—Grants or cooperative agreements awarded pursuant to this section shall be used for the establishment or continuation of collaborative improvement and innovation networks to improve maternal and infant health outcomes and reduce preventable maternal mortality and severe maternal morbidity by improving prenatal care, labor care, birthing, and postpartum care services in rural areas. Rural obstetric networks established in accordance with this section may—

''(1) develop a network to improve coordination and increase access to maternal health care and assist pregnant women in the areas described in subsection (a) with accessing and utilizing prenatal care, labor care, birthing, and postpartum care services to improve outcomes in birth and maternal mortality and morbidity;

''(2) identify and implement evidence-based and sustainable delivery models for providing prenatal care, labor care, birthing, and postpartum care services, including home visiting programs and culturally appropriate care models that reduce health disparities;

''(3) develop a model for maternal health care collaboration between health care settings to improve access to care in areas described in subsection (a), which may include the use of telehealth;

''(4) provide training for professionals in health care settings that do not have specialty maternity care;

''(5) collaborate with academic institutions that can provide regional expertise and help identify barriers to providing maternal health care, including strategies for addressing such barriers; and

''(6) assess and address disparities in infant and maternal health outcomes, including among racial and ethnic minority populations and underserved populations in such areas described in subsection (a).

''(c) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITIES.—The term 'eligible entities' means entities providing prenatal care, labor care, birthing, and postpartum care services in rural areas, frontier areas, or medically underserved areas, or to medically underserved populations or Indian Tribes or Tribal organizations.

''(2) FRONTIER AREA.—The term 'frontier area' means a frontier county, as defined in section 1886(d)(3)(E)(iii)(III) of the Social Security Act.

''(3) INDIAN TRIBES; TRIBAL ORGANIZATION.—The terms 'Indian Tribe' and 'Tribal organization' have the meanings given the terms 'Indian tribe' and 'tribal organization' in section 4 of the Indian Self-Determination and Education Assistance Act.

''(4) MATERNITY CARE HEALTH PROFESSIONAL TARGET AREA.—The term 'maternity care health professional target area' has the meaning described in section 332(k)(2).

''(d) REPORT TO CONGRESS.—Not later than September 30, 2025, the Secretary shall submit to Congress a report on activities supported by grants awarded under this section, including—

''(1) a description of activities conducted pursuant to paragraphs (1) through (6) of subsection (b); and

''(2) an analysis of the effects of rural obstetric networks on improving maternal and infant health outcomes.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2022 through 2026.''.

SEC. 1073. TELEHEALTH NETWORK AND TELEHEALTH RESOURCE CENTERS GRANT PROGRAMS.

Section 330I of the Public Health Service Act (42 U.S.C. 254c–14) is amended—

(1) in subsection (f)(3), by adding at the end the following:

''(M) Providers of prenatal, labor care, birthing, and postpartum care services, including hospitals that operate obstetric care units.''; and

(2) in subsection (h)(1)(B), by striking ''or prenatal care for high-risk pregnancies'' and inserting ''prenatal care, labor care, birthing care, or postpartum care''.

SEC. 1074. RURAL MATERNAL AND OBSTETRIC CARE TRAINING DEMONSTRATION.

Subpart 1 of part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended by adding at the end the following:

''SEC. 764. RURAL MATERNAL AND OBSTETRIC CARE TRAINING DEMONSTRATION.

''(a) IN GENERAL.—The Secretary shall award grants to accredited schools of allopathic medicine, osteopathic medicine, and nursing, and other appropriate health professional training programs, to establish a training demonstration program to support—

''(1) training for physicians, medical residents, fellows, nurse practitioners, physician assistants, nurses, certified nurse midwives, relevant home visiting workforce professionals and paraprofessionals, or other professionals who meet relevant State training and licensing requirements, as applicable, to reduce preventable maternal mortality and severe maternal morbidity by improving prenatal care, labor care, birthing, and postpartum care in rural community-based settings; and

''(2) developing recommendations for such training programs.

''(b) APPLICATION.—To be eligible to receive a grant under subsection (a), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) ACTIVITIES.—

''(1) TRAINING FOR HEALTH CARE PROFESSIONALS.— A recipient of a grant under subsection (a)—

''(A) shall use the grant funds to plan, develop, and operate a training program to provide prenatal care, labor care, birthing, and postpartum care in rural areas; and

''(B) may use the grant funds to provide additional support for the administration of the program or to meet the costs of projects to establish, maintain, or improve faculty development, or departments, divisions, or other units necessary to implement such training.

''(2) TRAINING PROGRAM REQUIREMENTS.—The recipient of a grant under subsection (a) shall ensure that training programs carried out under the grant are evidence-based and address improving prenatal care, labor care, birthing, and postpartum care in rural areas, and such programs may include training on topics such as—

''(A) maternal mental health, including perinatal depression and anxiety;

''(B) substance use disorders;

''(C) social determinants of health that affect individuals living in rural areas; and

''(D) improving the provision of prenatal care, labor care, birthing, and postpartum care for racial and ethnic minority populations, including with respect to perceptions and biases that may affect the approach to, and provision of, care.

''(d) EVALUATION AND REPORT.—

''(1) EVALUATION.—

''(A) IN GENERAL.—The Secretary shall evaluate the outcomes of the demonstration program under this section.

''(B) DATA SUBMISSION.—Recipients of a grant under subsection (a) shall submit to the Secretary performance metrics and other related data in order to evaluate the program for the report described in paragraph (2).

''(2) REPORT TO CONGRESS.—Not later than January 1, 2025, the Secretary shall submit to Congress a report that includes—

''(A) an analysis of the effects of the demonstration program under this section on the quality, quantity, and distribution of maternal health care services, including prenatal care, labor care, birthing, and postpartum care services, and the demographics of the recipients of those services;

''(B) an analysis of maternal and infant health outcomes (including quality of care, morbidity, and mortality) before and after implementation of the program in the communities served by entities participating in the demonstration; and

''(C) recommendations on whether the demonstration program should be continued.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2022 through 2026.''.

SA 4741. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1064. ENHANCED AUTHORITY TO SHARE INFORMATION WITH RESPECT TO MERCHANDISE SUSPECTED OF VIOLATING INTELLECTUAL PROPERTY RIGHTS.

Section 628A of the Tariff Act of 1930 (19 U.S.C. 1628a) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

''(1) shall provide to the person information that appears on the merchandise, including—

''(A) its packaging, materials, and containers, including labels; and

''(B) its packing materials and containers, including labels; and''; and

(2) in subsection (b)—

(A) in paragraph (3), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) any other party with an interest in the merchandise, as determined appropriate by the Commissioner.''.

SA 4742. Mr. BRAUN submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1064. SENSE OF CONGRESS REGARDING CRISIS AT THE SOUTHWEST LAND BORDER.

(a) FINDINGS.—Congress makes the following findings:

(1) During fiscal year 2021, there were more than 1,600,000 illegal crossings across the southwest land border of the United States.

(2) The 213,593 migrant encounters along the southwest border in July 2021 was a 21-year high.

(3) During October 2021, U.S. Customs and Border Protection intercepted 33,500 pounds of drugs along the southwest border.

(4) Noncitizens with criminal convictions are routinely encountered at ports of entry and between ports of entry along the southwest border.

(5) Some of the inadmissible individuals encountered along the southwest border are known or suspected terrorists.

(6) Transnational criminal organizations routinely move illicit drugs, counterfeit products, and trafficked humans across the southwest border.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the current level of illegal crossings and trafficking on the southwest land border of the United States represents a crisis and a national security threat;

(2) the Department of Defense has rightly contributed personnel to aid the efforts of the United States Government to address the crisis and national security threat at the southwest border;

(3) the National Guard and active duty members of the United States Armed Forces

are to be commended for their hard work and dedication in their response to the crisis along the southwest border; and

(4) border security is a matter of national security and the failure to address the crisis along the southwest border introduces significant risk to the people of the United States.

SA 4743. Mr. BENNET (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1216. REPORTS AND BRIEFINGS REGARDING OVERSIGHT OF AFGHANISTAN.

(a) REPORTS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter until December 31, 2026, the Secretary of Defense, in coordination with the Director of National Intelligence, shall submit to the appropriate congressional committees a report on Afghanistan. The report shall address, with respect to Afghanistan, the following matters:

(1) An assessment of the terrorist threat to the United States posed by terrorist organizations in Afghanistan.

(2) A description of the intelligence collection posture on terrorist organizations in Afghanistan, including al-Qaeda and ISIS-K.

(3) A description of the intelligence collection posture on the Taliban defense and security forces.

(4) An assessment of the status of any military cooperation between the Taliban and China, Russia, or Iran.

(5) An assessment of changes in the ability of al-Qaeda and ISIS-K to conduct operations outside of Afghanistan against the United States and United States allies.

(6) A current assessment of counterterrorism capabilities of the United States to remove the terrorist threat in Afghanistan.

(7) An assessment of counterterrorism capabilities of United States allies and partners in Afghanistan and their willingness to participate in counterterrorism operations.

(8) The location of such counterterrorism capabilities, to include the current locations of the forces and any plans to adjust such locations.

(9) Any plans to expand or adjust such counterterrorism capabilities in the future to account for evolving terrorist threats in Afghanistan.

(10) An assessment of the quantity and types of United States military equipment remaining in Afghanistan, including an indication of whether the Secretary plans to leave, recover, or destroy such equipment.

(11) Contingency plans for the retrieval or hostage rescue of United States citizens and legal permanent residents located in Afghanistan.

(12) Contingency plans related to the continued evacuation of Afghans who hold special immigrant visa status under section 602 of the Afghan Allies Protection Act of 2009 (title VI of division F of Public Law 110–8; 8 U.S.C. 1101 note) or who have filed a petition for such status, following the withdraw of the United States Armed Forces from Afghanistan.

(13) Any other matters the Secretary determines appropriate.

(b) BRIEFINGS.—Not later than 180 days after the date of the enactment of this Act, and on a biannual basis thereafter until December 31, 2026, the Secretary of Defense shall provide to the appropriate congressional committees a briefing on the matters specified in subsection (a).

(c) FORM.—The reports and briefings under this section may be submitted in either unclassified or classified form, as determined appropriate by the Secretary.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

SA 4744. Mr. BENNET (for himself and Mr. SASSE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. ____. NATIONAL TECHNOLOGY STRATEGY.

(a) IN GENERAL.—Each year, the President shall submit to Congress a comprehensive report on the technology strategy of the United States designed to maintain United States leadership in critical and emerging technologies essential to United States national security and economic prosperity.

(b) ELEMENTS.—Each National Technology Strategy developed and submitted under subsection (a) shall contain at least the following elements:

(1) An assessment of the efforts of the United States Government to preserve United States leadership in key emerging technologies and prevent United States strategic competitors from leveraging advanced technologies to gain strategic military or economic advantages over the United States.

(2) A review of existing United States Government technology policy, including long-range goals.

(3) An analysis of technology trends and assessment of the relative competitiveness of United States technology sectors in relation to strategic competitors.

(4) Identification of sectors critical for the long-term resilience of United States innovation leadership across design, manufacturing, supply chains, and markets.

(5) Recommendations for domestic policy incentives to sustain an innovation economy and develop specific, high-cost sectors necessary for long-term national security ends.

(6) Recommendations for policies to protect United States and leadership of allies of the United States in critical areas through targeted export controls, investment screening, and counterintelligence activities.

(7) Identification of priority domestic research and development areas critical to national security and necessary to sustain United States leadership, and directing funding to fill gaps in basic and applied research where the private sector does not focus.

(8) Recommendations for talent programs to grow United States talent in key critical and emerging technologies and enhance the ability of the Federal Government to recruit and retain individuals with critical skills into Federal service.

(9) Methods to foster the development of international partnerships to reinforce domestic policy actions, build new markets, engage in collaborative research, and create an international environment that reflects United States values and protects United States interests.

(10) A technology annex, which may be classified, to establish an integrated and enduring approach to the identification, prioritization, development, and fielding of emerging technologies.

(11) Such other information as may be necessary to help inform Congress on matters relating to the technology strategy of the United States and related implications for United States national security.

SA 4745. Mr. GRASSLEY (for himself and Mr. WARNOCK) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. WHISTLEBLOWER INCENTIVES AND PROTECTIONS.

Section 5323 of title 31, United States Code, as amended by section 6314 of the Anti-Money Laundering Act of 2020 (division F of Public Law 116–283) is amended by striking subsection (b) and inserting the following:

''(b) AWARDS.—

''(1) IN GENERAL.—In any covered judicial or administrative action, or related action, the Secretary, under regulations prescribed by the Secretary, in consultation with the Attorney General and subject to subsection (c), shall pay an award or awards to 1 or more whistleblowers who voluntarily provided original information to the employer of the individual, the Secretary, or the Attorney General, as applicable, that led to the successful enforcement of the covered judicial or administrative action, or related action, in an aggregate amount equal to—

''(A) not less than 10 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions; and

''(B) not more than 30 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions.

''(2) PAYMENT OF AWARDS.—Any amount paid under paragraph (1) shall be paid from the Fund established under paragraph (3).

''(3) SOURCE OF AWARDS.—

''(A) IN GENERAL.—There shall be established in the Treasury of the United States a revolving fund to be known as the Financial Integrity Fund (referred to in this subsection as the 'Fund').

''(B) USE OF FUND.—The Fund shall be available to the Secretary, without further appropriation or fiscal year limitations, only for the payment of awards to whistleblowers as provided in subsection (b).

''(C) RESTRICTIONS ON USE OF FUND.—The Fund shall not be available to pay any personnel or administrative expenses.

''(4) DEPOSITS AND CREDITS.—

''(A) IN GENERAL.—There shall be deposited into or credited to the Fund an amount equal to—

''(i) any monetary sanction collected by the Secretary or Attorney General in any judicial or administrative action under this title unless the balance of the Fund at the time the monetary judgement is collected exceeds $300,000,000; and

''(ii) all income from investments made under paragraph (5).

''(B) ADDITIONAL AMOUNTS.—If the amounts deposited into or credited to the Fund under subparagraph (A) are not sufficient to satisfy an award made under this subsection, there shall be deposited into or credited to the Fund an amount equal to the unsatisfied portion of the award from any monetary sanction collected by the Secretary of the Treasury or Attorney General in the covered judicial or administrative action on which the award is based.

''(5) INVESTMENTS.—

''(A) AMOUNTS IN FUND MAY BE INVESTED.—The Secretary of the Treasury may invest the portion of the Fund that is not required to meet the current needs of the Fund.

''(B) ELIGIBLE INVESTMENTS.—Investments shall be made by the Secretary of the Treasury in obligations of the United States or obligations that are guaranteed as to principal and interest by the United States, with maturities suitable to the needs of the Fund as determined by the Secretary.

''(C) INTEREST AND PROCEEDS CREDITED.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.''.

SA 4746. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title X, add the following:

SEC. 1013. INTERAGENCY STRATEGY TO DISRUPT AND DISMANTLE NARCOTICS PRODUCTION AND TRAFFICKING AND AFFILIATED NETWORKS LINKED TO THE REGIME OF BASHAR AL-ASSAD IN SYRIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the captagon trade linked to the regime of Bashar al-Assad in Syria is a transnational security threat; and

(2) the United States should develop and implement an interagency strategy to deny, degrade, and dismantle Assad-linked narcotics production and trafficking networks.

(b) REPORT AND STRATEGY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Administrator of the Drug Enforcement Administration, the Director of National Intelligence, and the heads of other appropriate Federal agencies shall jointly submit to the appropriate congressional committees a report containing a strategy to disrupt and dismantle narcotics production and trafficking and affiliated networks linked to the regime of Bashar al-Assad in Syria. The strategy shall include each of the following:

(1) A strategy to target, disrupt and degrade networks that directly and indirectly support the narcotics infrastructure of the Assad regime, particularly through diplomatic and intelligence support to law enforcement investigations and to build counter-narcotics capacity to partner countries through assistance and training to law enforcement services in countries, other than Syria, that are receiving or transiting large quantities of Captagon.

(2) A description of the countries receiving or transiting large shipments of Captagon and an assessment of the counter-narcotics capacity of those countries to interdict or disrupt the smuggling of Captagon, including an assessment of current United States assistance and training programs to build such capacity in those countries.

(3) The use of sanctions authorities, including the Caesar Syria Civilian Protection Act of 2019 (22 U.S.C. 8791 note), and associated actions to target individuals and entities directly or indirectly associated with the narcotics infrastructure of the Assad regime.

(4) The use of global diplomatic engagements associated with the economic pressure campaign against the Assad regime to target its narcotics infrastructure.

(5) Leveraging multilateral institutions and cooperation with international partners to disrupt the narcotics infrastructure of the Assad regime.

(6) Mobilizing a public communications campaign to increase awareness of the extent of the connection of the Assad regime to illicit narcotics trade.

(c) FORM OF REPORT.—The report required under subsection (b) shall be submitted in an unclassified form, but may contain a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees;

(2) the Committee on the Judiciary, the Committee on Foreign Affairs, and the Committee on Financial Services [of the House of Representatives]; and

(3) the Committee on the Judiciary, the Committee on Foreign Relations, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SA 4747. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1224. PROHIBITION OF TRANSFERS TO BADR ORGANIZATION.

None of the amounts authorized to be appropriated by this Act or otherwise made available to the Department of Defense may be made available, directly or indirectly, to the Badr Organization.

SA 4748. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1224. PROHIBITION ON TRANSFERS TO IRAN.

None of the amounts authorized to be appropriated by this Act or otherwise made available to the Department of Defense may be made available to transfer or facilitate a transfer of pallets of currency, currency, or other items of value to the Government of Iran, any subsidiary of such Government, or any agent or instrumentality of Iran.

SA 4749. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1224. REPORT ON IRANIAN TERRORIST PROXIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report that includes a detailed description of—

(1) improvements to the military capabilities of Iran-backed militias, including Lebanese Hezbollah, Asa'ib ahl al-Haq, Harakat Hezbollah al-Nujaba, Kata'ib Sayyid al-Shuhada, Kata'ib al-Imam Ali, Kata'ib Hezbollah, the Badr Organization, the Fatemiyoun, the Zainabiyoun, Hamas, Palestinian Islamic Jihad (PIJ), the Popular Front for the Liberation of Palestine (PFLP), and Ansar Allah (also known as the Houthis); and

(2) the direct or indirect impact that the suspension, issuance, or revocation of any waiver, license, or suspension of economic sanctions on Iran may have on such capabilities.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form but may contain a classified annex.

SA 4750. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1224. REPORT ON IRAN-CHINA AND IRAN-RUSSIA MILITARY TIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report that includes—

(1) a detailed assessment of military ties between Iran and China or the Russian Federation since the expiration of United Nations Security Resolution 2231 in October 2020, including in the form of joint drills, weapons transfers, military visits, illicit procurement activities, and other sources of Chinese or Russian material support for Iranian military capabilities, to include a detailed description of any arms purchases and the total value of each such purchase;

(2) a detailed assessment of the direct or indirect impact that the suspension, issuance, or revocation of any waiver, license, or suspension of economic sanctions on Iran may have on the use or effectiveness of such tools; and

(3) a description of any actions taken pursuant to Executive Order No. 13949, dated September 21, 2020 (relating to blocking property of certain persons with respect to the conventional arms activities of Iran).

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form but may contain a classified annex.

SA 4751. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1224. REPORT ON IRANIAN DEFENSE BUDGET.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report that includes a detailed assessment of the size of Iran's defense budget expressed in United States dollars, disaggregated by expenditures related to the Islamic Revolutionary Guard Corps, the Quds Force, the Artesh, and the Basij.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form but may contain a classified annex.

SA 4752. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STRATEGY, MARKET SURVEY, AND QUALIFICATION ACTIVITIES FOR PROCUREMENT OF ACCESSORIES FOR THE NEXT GENERATION SQUAD WEAPON OF THE ARMY.

(a) STRATEGY REQUIRED.—The Secretary of the Army shall develop and implement a strategy to identify, test, qualify, and procure, on a competitive basis, accessories for the next generation squad weapon of the Army, including magazines and other components that could affect the performance of the weapon.

(b) MARKET SURVEY AND QUALIFICATION ACTIVITIES.—

(1) INITIAL MARKET SURVEY.—Not later than one year after the date on which a decision is made to enter into full-rate production for the next generation squad weapon, the Secretary of the Army shall conduct a market survey to identify accessories for the weapon, including magazines and other components that could affect the performance of the weapon.

(2) QUALIFICATION ACTIVITIES.—After completing the market survey under paragraph (1), the Secretary of the Army shall compete, select, procure, and conduct tests of accessories described in that paragraph to qualify those accessories for purchase and use. A decision to qualify an accessory described in paragraph (1) shall be based on established technical standards for operational safety and weapon effectiveness.

(c) INFORMATION TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall provide to the congressional defense committees a briefing or a report on—

(1) the strategy developed and implemented by the Secretary under subsection (a); and

(2) the results of the market survey and qualification activities under subsection (b).

SA 4753. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. ____. DEVELOPMENT AND TESTING OF DYNAMIC SCHEDULING AND MANAGEMENT OF SPECIAL ACTIVITY AIRSPACE.

(a) SENSE OF CONGRESS ON SPECIAL ACTIVITY AIRSPACE SCHEDULING AND MANAGEMENT.—It is the sense of Congress that—

(1) where it does not conflict with safety, dynamic scheduling and management of special activity airspace (also referred to as ''dynamic airspace'') is expected to optimize the use of the national airspace system for all stakeholders; and

(2) the Administrator of the Federal Aviation Administration and the Secretary of Defense should take such actions as may be necessary to support ongoing efforts to develop dynamic scheduling and management of special activity airspace, including—

(A) the continuation of formal partnerships between the Federal Aviation Administration and the Department of Defense that focus on special activity airspace, future airspace needs, and joint solutions; and

(B) maturing research within their federally funded research and development centers, Federal partner agencies, and the aviation community.

(b) PILOT PROGRAM.—

(1) PILOT PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration, in coordination with the Secretary of Defense, shall establish a pilot program on developing and testing dynamic management of special activity airspace in order to accommodate emerging military training requirements through flexible scheduling, along with increasing access to special activity airspace used by the Department of Defense for test and training.

(2) TESTING OF SPECIAL ACTIVITY AIRSPACE SCHEDULING AND MANAGEMENT.—Under the pilot program established under paragraph (1), the Administrator and the Secretary shall jointly test not fewer than three areas of episodic or permanent special activity airspace designated by the Federal Aviation Administration for use by the Department of Defense, of which—

(A) at least one shall be over coastal waters of the United States;

(B) at least two shall be over land of the United States;

(C) access to airspace available for test and training is increased to accommodate dynamic scheduling of airspace to more efficiently and realistically provide test and training capabilities to Department of Defense aircrews; and

(D) any increase in access to airspace made available for test and training shall not conflict with the safe management of the national airspace system or the safety of all stakeholders of the national airspace system.

(c) REPORT BY THE ADMINISTRATOR.—

(1) IN GENERAL.—Not less than two years after the date of the establishment of the pilot program under subsection (b)(1), the Administrator shall submit to the appropriate committees of Congress a report on the interim findings of the Administrator with respect to the pilot program.

(2) ELEMENTS.—The report submitted under paragraph (1) shall include the following:

(A) An analysis of how the pilot program established under subsection (b)(1) affected access to special activity airspace by nonmilitary users of the national airspace system.

(B) An analysis of whether the dynamic management of special activity airspace conducted for the pilot program established under subsection (b)(1) contributed to more efficient use of the national airspace system by all stakeholders.

(d) REPORT BY THE SECRETARY.—Not less than two years after the date of the establishment of the pilot program under subsection (b)(1), the Secretary shall submit to the appropriate committees of Congress a report on the interim findings of the Secretary with respect to the pilot program. Such report shall include an analysis of how the pilot program affected military test and training.

(e) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate; and

(B) the Committee on Transportation and Infrastructure, the Committee on Science, Space, and Technology, and the Committee on Armed Services of the House of Representatives.

(2) The term ''special activity airspace'' means the following airspace with defined dimensions within the National Airspace System wherein limitations may be imposed upon aircraft operations:

(A) Restricted areas.

(B) Military operations areas.

(C) Air Traffic Control assigned airspace.

(D) Warning areas.

SA 4754. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and

for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1064. COMMON CARRIER OBLIGATIONS.

(a) IN GENERAL.—Section 11101(a) of title 49, United States Code, is amended by inserting '', to the extent necessary for the efficient and reliable transportation based on the shipper's reasonable service requirements,'' after ''the transportation or service''.

(b) RULEMAKING.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Surface Transportation Board shall initiate a rulemaking to provide standards or guidance to implement the amendment made under subsection (a).

(2) METRICS AND MINIMUM STANDARDS.—The rule promulgated pursuant to paragraph (1) shall include metrics and minimum standards for measuring the performance and service quality of rail carriers operating as common carriers under section 11101 of title 49, United States Code.

(3) CONSIDERATIONS.—In developing the metrics and minimum standards referred to in paragraph (2), the Board shall consider—

(A) all of the requirements for operating as a common carrier under section 11101 of title 49, United States Code, including the requirements described in sections 11101(a) and 10702(2) of such title;

(B) the impacts of reductions in service and employment levels on the provision of reasonable service;

(C) whether reductions in the availability of equipment, the maintenance of equipment, and infrastructure are disproportionate to any changes in demand for service; and

(D) whether surcharges or conditions are imposed as requirements for service when the rail carrier could profitably provide service under competitive rates.

(4) MULTI-FACTOR COMPLIANCE TEST.—

(A) DEVELOPMENT.—The Surface Transportation Board shall develop a multi-factor test for determining a common carrier's compliance with its obligations under section 11101 of title 49, United States Code.

(B) USE OF TEST.—Upon the promulgation of the final rule pursuant to this subsection, the Surface Transportation Board shall apply the test developed pursuant to subparagraph (A) in all of its informal and formal service complaint proceedings.

SA 4755. Mr. CASEY (for himself, Mr. CORNYN, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1064. NATIONAL CRITICAL CAPABILITIES REVIEWS.

(a) IN GENERAL.—The Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by adding at the end the following:

''TITLE X—NATIONAL CRITICAL CAPABILITIES REVIEWS

''SEC. 1001. DEFINITIONS.

''In this title:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Finance, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Health, Education, Labor, and Pensions, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(B) the Committee on Ways and Means, the Committee on Armed Services, the Committee on Education and Labor, the Committee on Financial Services, the Committee on Homeland Security, and the Committee on Transportation and Infrastructure of the House of Representatives.

''(2) COMMITTEE.—The term 'Committee' means the Committee on National Critical Capabilities established under section 1002.

''(3) CONTROL.—The term 'control' means the power, direct or indirect, whether exercised or not exercised, to determine, direct, or decide important matters affecting an entity, subject to regulations prescribed by the Committee.

''(4) COUNTRY OF CONCERN.—The term 'country of concern'—

''(A) has the meaning given the term 'foreign adversary' in section 8(c)(2) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1607(c)(2)); and

''(B) may include a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) identified by the Committee for purposes of this paragraph by regulation.

''(5) COVERED TRANSACTION.—

''(A) IN GENERAL.—Except as otherwise provided, the term 'covered transaction' means any of the following transactions, proposed or pending on or after the date of the enactment of this title:

''(i) Any transaction by a United States business that—

''(I) shifts or relocates to a country of concern, or transfers to an entity of concern, the design, development, production, manufacture, fabrication, supply, servicing, testing, management, operation, investment, ownership, or any other essential elements involving one or more national critical capabilities identified under subparagraph (B)(ii); or

''(II) could result in an unacceptable risk to a national critical capability.

''(ii) Any other transaction, transfer, agreement, or arrangement, the structure of which is designed or intended to evade or circumvent the application of this title, subject to regulations prescribed by the Committee.

''(B) REGULATIONS.—

''(i) IN GENERAL.—The Committee shall prescribe regulations further defining the term 'covered transaction' in accordance with subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act').

''(ii) IDENTIFICATION OF NATIONAL CRITICAL CAPABILITIES.—For purposes of subparagraph (A)(I), the regulations prescribed by the Committee under clause (i) shall—

''(I) identify the national critical capabilities subject to that subparagraph based on criteria intended to limit application of that subparagraph to the subset of national critical capabilities that is likely to pose an unacceptable risk to the national security and crisis preparedness of the United States; and

''(II) enumerate, quantify, prioritize, and set forth sufficient allowances of, specific types and examples of such capabilities.

''(6) CRISIS PREPAREDNESS.—The term 'crisis preparedness' means preparedness for—

''(A) a public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d); or

''(B) a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

''(7) CRITICAL INFRASTRUCTURE.—The term 'critical infrastructure' means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on national security, national economic security, national public health or safety, or any combination of those matters.

''(8) ENTITY OF CONCERN.—The term 'entity of concern' means an entity—

''(A) the ultimate parent entity of which is domiciled in a country of concern; or

''(B) that is directly or indirectly controlled by, owned by, or subject to the influence of a foreign person that has a substantial nexus with a country of concern.

''(9) FOREIGN ENTITY.—

''(A) IN GENERAL.—Except as provided by subparagraph (B), the term 'foreign entity' means any branch, partnership, group or sub-group, association, estate, trust, corporation or division of a corporation, or organization organized under the laws of a foreign country if—

''(i) its principal place of business is outside the United States; or

''(ii) its equity securities are primarily traded on one or more foreign exchanges.

''(B) EXCEPTION.—The term 'foreign entity' does not include any entity described in subparagraph (A) that can demonstrate that a majority of the equity interest in such entity is ultimately owned by nationals of the United States.

''(10) FOREIGN PERSON.—The term 'foreign person' means—

''(A) any foreign national, foreign government, or foreign entity;

''(B) any entity over which control is exercised or exercisable by a foreign national, foreign government, or foreign entity; or

''(C) any entity over which control is exercised or exercisable by a person described in subparagraph (A) or (B).

''(11) NATIONAL CRITICAL CAPABILITIES.—The term 'national critical capabilities', subject to regulations prescribed by the Committee—

''(A) means systems and assets, whether physical or virtual, so vital to the United States that the inability to develop such systems and assets or the incapacity or destruction of such systems or assets would have a debilitating impact on national security or crisis preparedness; and

''(B) includes the following:

''(i) The production, in sufficient quantities, of any of the following articles:

''(I) Medical supplies, medicines, and personal protective equipment.

''(II) Articles essential to the operation, manufacture, supply, service, or maintenance of critical infrastructure.

''(III) Articles critical to infrastructure construction after a natural or manmade disaster.

''(IV) Articles that are components of systems critical to the operation of weapons systems, intelligence collection systems, or items critical to the conduct of military or intelligence operations.

''(V) Any other articles identified in regulations prescribed under section 1007.

''(ii) Supply chains for the production of articles described in clause (i).

''(iii) Essential supply chains for the Department of Defense.

''(iv) Any other supply chains identified in regulations prescribed under section 1007.

''(v) Services critical to the production of articles described in clause (i) or a supply chain described in clause (ii), (iii), or (iv).

''(vi) Medical services.

''(vii) Services critical to the maintenance of critical infrastructure.

''(viii) Services critical to infrastructure construction after a natural or manmade disaster.

''(ix) Any other services identified in regulations prescribed under section 1007.

''(12) NATIONAL SECURITY.—The term 'national security' includes—

''(A) national security, as defined in section 721(a) of the Defense Production Act of 1950 (50 U.S.C. 4565(a));

''(B) national defense, as defined in section 702 of that Act (50 U.S.C. 4552); and

''(C) agricultural security and natural resources security.

''(13) PARTY.—The term 'party', with respect to a transaction, has the meaning given that term in regulations prescribed by the Committee.

''(14) UNITED STATES.—The term 'United States' means the several States, the District of Columbia, and any territory or possession of the United States.

''(15) UNITED STATES BUSINESS.—The term 'United States business' means a person engaged in interstate commerce in the United States.

''SEC. 1002. COMMITTEE ON NATIONAL CRITICAL CAPABILITIES.

''(a) IN GENERAL.—There is established a committee, to be known as the 'Committee on National Critical Capabilities', which shall carry out this title and such other assignments as the President may designate.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Committee shall be comprised of the head, or a designee of the head, of each of the following:

''(A) The Office of the United States Trade Representative.

''(B) The Department of Commerce.

''(C) The Office of Science and Technology Policy.

''(D) The Department of the Treasury.

''(E) The Department of Homeland Security.

''(F) The Department of Defense.

''(G) The Department of State.

''(H) The Department of Justice.

''(I) The Department of Energy.

''(J) The Department of Health and Human Services.

''(K) The Department of Agriculture.

''(L) The Department of Labor.

''(M) Any other Federal agency the President determines appropriate, generally or on a case-by-case basis.

''(2) EX OFFICIO MEMBERS.—

''(A) IN GENERAL.—In addition to the members of the Committee specified in paragraph (1), the following shall, except as provided in subparagraph (B), be nonvoting, ex officio members of the Committee:

''(i) The Director of National Intelligence.

''(ii) The Administrator of the Federal Emergency Management Agency.

''(iii) The Director of the National Institute of Standards and Technology.

''(iv) The Director of the Centers for Disease Control and Prevention.

''(v) The Director of the National Institute of Allergy and Infectious Diseases.

''(vi) The Chairperson of the Federal Communications Commission.

''(vii) The Chairperson of the Securities and Exchange Commission.

''(viii) The Chairperson of the Commodity Futures Trading Commission.

''(ix) The Administrator of the Federal Aviation Administration.

''(B) DESIGNATION AS VOTING MEMBERS.—The chairperson of the Committee may designate any of the officials specified in clauses (ii) through (ix) of subparagraph (A) as voting members of the Committee.

''(c) CHAIRPERSON.—

''(1) IN GENERAL.—The United States Trade Representative shall serve as the chairperson of the Committee.

''(2) CONSULTATIONS WITH SECRETARIES OF DEFENSE AND COMMERCE.—In carrying out the duties of the chairperson of the Committee, the United States Trade Representative shall consult with the Secretary of Defense and the Secretary of Commerce.

''(d) DESIGNATION OF OFFICIALS TO CARRY OUT DUTIES RELATED TO COMMITTEE.—The head of each agency represented on the Committee shall designate an official, at or equivalent to the level of Assistant Secretary in the Department of the Treasury, who is appointed by the President, by and with the advice and consent of the Senate, to carry out such duties related to the Committee as the head of the agency may assign.

''SEC. 1003. REVIEW OF COVERED TRANSACTIONS.

''(a) MANDATORY NOTIFICATION.—A United States business that engages in a covered transaction shall submit a written notification of the transaction to the Committee.

''(b) REVIEW.—

''(1) IN GENERAL.—Not later than 60 days after receiving written notification under subsection (a) of a covered transaction, the Committee may—

''(A) review the transaction to determine if the transaction is likely to result in an unacceptable risk to one or more national critical capabilities, including by considering factors specified in section 1005; and

''(B) if the Committee determines under subparagraph (A) that the transaction poses a risk described in that subparagraph, make recommendations—

''(i) to the President for appropriate action that may be taken under this title or under other existing authorities to address or mitigate that risk; and

''(ii) to Congress for the establishment or expansion of Federal programs to support the production or supply of articles and services described in section 1001(a)(11)(B) in the United States.

''(2) UNILATERAL INITIATION OF REVIEW.—The Committee may initiate a review under paragraph (1) of a covered transaction for which written notification is not submitted under subsection (a).

''(3) INITIATION OF REVIEW BY REQUEST FROM CONGRESS.—The Committee shall initiate a review under paragraph (1) of a covered transaction if the chairperson and the ranking member of one of the appropriate congressional committees jointly request the Committee to review the transaction.

''(c) TREATMENT OF BUSINESS CONFIDENTIAL INFORMATION.—A United States business shall submit each notification required by subsection (a) to the Committee—

''(1) in a form that includes business confidential information; and

''(2) in a form that omits business confidential information and is appropriate for disclosure to the public.

''SEC. 1004. ACTION BY THE PRESIDENT.

''(a) IN GENERAL.—Subject to subsection (d), the President may take such action for such time as the President considers appropriate to address or mitigate any unacceptable risk posed by a covered transaction to one or more national critical capabilities, including suspending or prohibiting the covered transaction.

''(b) ANNOUNCEMENT BY THE PRESIDENT.—The President shall announce the decision on whether or not to take action pursuant to subsection (a) with respect to a covered transaction not later than 15 days after the date on which the review of the transaction under section 1003 is completed.

''(c) ENFORCEMENT.—The President may direct the Attorney General of the United States to seek appropriate relief, including divestment relief, in the district courts of the United States, in order to implement and enforce this section.

''(d) FINDINGS OF THE PRESIDENT.—The President may exercise the authority conferred by subsection (a) to suspend or prohibit a covered transaction only if the President finds that—

''(1) there is credible evidence that leads the President to believe that the transaction poses an unacceptable risk to one or more national critical capabilities; and

''(2) provisions of law (other than this section) do not, in the judgment of the President, provide adequate and appropriate authority for the President to protect such capabilities.

''(e) FACTORS TO BE CONSIDERED.—For purposes of determining whether to take action under subsection (a), the President shall consider, among other factors, each of the factors described in section 1005, as appropriate.

''SEC. 1005. FACTORS TO BE CONSIDERED.

''The Committee, in reviewing and making a determination with respect to a covered transaction under section 1003, and the President, in determining whether to take action under section 1004 with respect to a covered transaction, shall consider any factors relating to national critical capabilities that the Committee or the President considers relevant, including—

''(1) the long-term strategic economic, national security, and crisis preparedness interests of the United States;

''(2) the history of distortive or predatory trade practices in each country in which a foreign person that is a party to the transaction is domiciled;

''(3) control and beneficial ownership (as determined in accordance with section 847 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2509 note)) of each foreign person that is a party to the transaction; and

''(4) impact on the domestic industry and resulting resiliency, including the domestic skills base, taking into consideration any pattern of foreign investment in the domestic industry.

''SEC. 1006. SUPPLY CHAIN SENSITIVITIES.

''The Committee shall determine the sensitivities and risks for sourcing of articles described in section 1001(a)(11)(B)(i), in accordance with the following:

''(1) The sourcing of least concern shall be articles the supply chains for which are housed in whole within countries that are allies of the United States.

''(2) The sourcing of greater concern shall be articles the supply chains for which are housed in part within countries of concern or from an entity of concern but for which substitute production is available from elsewhere at required scale.

''(3) The sourcing of greatest concern shall be articles the supply chains for which are housed wholly or in part in countries of concern or from an entity of concern and for which substitute production is unavailable elsewhere at required scale.

''SEC. 1007. IDENTIFICATION OF ADDITIONAL NATIONAL CRITICAL CAPABILITIES.

''(a) IN GENERAL.—The Committee should prescribe regulations to identify additional articles, supply chains, and services to recommend for inclusion in the definition of 'national critical capabilities' under section 1001(a)(11).

''(b) REVIEW OF INDUSTRIES.—

''(1) IN GENERAL.—In identifying under subsection (a) additional articles, supply chains, and services to recommend for inclusion in the definition of 'national critical capabilities' under section 1001(a)(11), the Committee should conduct a review of industries identified by Federal Emergency Management

Agency as carrying out emergency support functions, including the following industries:

''(A) Energy.

''(B) Medical.

''(C) Communications, including electronic and communications components.

''(D) Defense.

''(E) Transportation.

''(F) Aerospace, including space launch.

''(G) Robotics.

''(H) Artificial intelligence.

''(I) Semiconductors.

''(J) Shipbuilding.

''(K) Water, including water purification.

''(2) QUANTIFICATION.—In conducting a review of industries under paragraph (1), the Committee should specify the quantity of articles, supply chains, and services, and specific types and examples of transactions, from each industry sufficient to maintain national critical capabilities.

''SEC. 1008. REPORTING REQUIREMENTS.

''(a) ANNUAL REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, and annually thereafter, the Committee shall submit to the appropriate congressional committees a report—

''(A) on the determination under section 1006 with respect to sensitivities and risks for sourcing of articles described in section 1001(a)(11)(B)(i);

''(B) assessing whether identification of additional national critical capabilities under section 1007 is necessary; and

''(C) describing, for the year preceding submission of the report—

''(i) the notifications received under subsection (a) of section 1003 and reviews conducted pursuant to such notifications;

''(ii) reviews initiated under paragraph (2) or (3) of subsection (b) of that section;

''(iii) actions recommended by the Committee under subsection (b)(1)(B) of that section as a result of such reviews; and

''(iv) reviews during which the Committee determined no action was required; and

''(D) assessing the overall impact of such reviews on national critical capabilities.

''(2) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

''(b) USE OF DEFENSE PRODUCTION ACT OF 1950 AUTHORITIES.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Committee shall submit to Congress a report that includes recommendations relating to use the authorities under title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.) to make investments to enhance national critical capabilities and reduce dependency on materials and services imported from foreign countries.

''SEC. 1009. REQUIREMENT FOR REGULATIONS.

''(a) IN GENERAL.—The Committee shall prescribe regulations to carry out this title.

''(b) ELEMENTS.—Regulations prescribed to carry out this title shall—

''(1) provide for the imposition of civil penalties for any violation of this title, including any mitigation agreement entered into, conditions imposed, or order issued pursuant to this title; and

''(2) include specific examples of the types of—

''(A) the transactions that will be considered to be covered transactions; and

''(B) the articles, supply chains, and services that will be considered to be national critical capabilities.

''(c) COORDINATION.—In prescribing regulations to carry out this title, the Committee shall coordinate with the United States Trade Representative, the Under Secretary of Commerce for Industry and Security, and the Committee on Foreign Investment in the United States to avoid duplication of effort.

''SEC. 1010. REQUIREMENTS RELATED TO GOVERNMENT PROCUREMENT.

''(a) IN GENERAL.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Federal Acquisition Regulation shall be revised to require each person that is a prospective contractor for an executive agency to disclose the supply chains the person would use to carry out the contract and the extent to which the person would depend on articles and services imported from foreign countries, including the percentage of such materials and services imported from countries of concern.

''(b) MATERIALITY.—The head of an executive agency shall consider the failure of a person to make the disclosures required by subsection (a) to be material determinants in awarding a contract to that person.

''(c) APPLICABILITY.—The revisions to the Federal Acquisition Regulation required under subsection (a) shall apply with respect to contracts for which solicitations are issued on or after the date that is 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022.

''(d) DEFINITIONS.—In this section:

''(1) EXECUTIVE AGENCY.—The term 'executive agency' has the meaning given that term in section 133 of title 41, United States Code.

''(2) FEDERAL ACQUISITION REGULATION.—The term 'Federal Acquisition Regulation' means the regulation issued pursuant to section 1303(a)(1) of title 41, United States Code.

''SEC. 1011. MULTILATERAL ENGAGEMENT AND COORDINATION.

''The United States Trade Representative—

''(1) should, in coordination and consultation with relevant Federal agencies, conduct multilateral engagement with the governments of countries that are allies of the United States to secure coordination of protocols and procedures with respect to covered transactions with countries of concern; and

''(2) upon adoption of protocols and procedures described in paragraph (1), shall work with those governments to establish information sharing regimes.

''SEC. 1012. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary to carry out this title, including to provide outreach to industry and persons affected by this title.

''SEC. 1013. RULE OF CONSTRUCTION WITH RESPECT TO FREE AND FAIR COMMERCE.

''Nothing in this title may be construed as prohibiting or limiting the free and fair flow of commerce outside of the United States that does not pose an unacceptable risk to a national critical capability.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by adding at the end the following:

''TITLE X—NATIONAL CRITICAL CAPABILITIES REVIEWS

''Sec. 1001. Definitions.
''Sec. 1002. Committee on National Critical Capabilities.
''Sec. 1003. Review of covered transactions.
''Sec. 1004. Action by the President.
''Sec. 1005. Factors to be considered.
''Sec. 1006. Supply chain sensitivities.
''Sec. 1007. Identification of additional national critical capabilities.
''Sec. 1008. Reporting requirements.
''Sec. 1009. Requirement for regulations.
''Sec. 1010. Requirements related to government procurement.
''Sec. 1011. Multilateral engagement and coordination.
''Sec. 1012. Authorization of appropriations.
''Sec. 1013. Rule of construction with respect to free and fair commerce.''.

SA 4756. Mrs. SHAHEEN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle ____—Combating Synthetic Drugs

SEC. __01. SHORT TITLE.

This subtitle may be cited as the ''Fighting Emerging Narcotics Through Additional Nations to Yield Lasting Results Act'' or the ''FENTANYL Results Act''.

SEC. __02. PRIORITIZATION OF EFFORTS OF THE DEPARTMENT OF STATE TO COMBAT INTERNATIONAL TRAFFICKING IN COVERED SYNTHETIC DRUGS.

(a) IN GENERAL.—The Secretary of State shall prioritize efforts of the Department of State to combat international trafficking of covered synthetic drugs by carrying out programs and activities to include the following:

(1) Supporting increased data collection by the United States and foreign countries through increased drug use surveys among populations, increased use of wastewater testing where appropriate, and multilateral sharing of that data.

(2) Engaging in increased consultation and partnership with international drug agencies, including the European Monitoring Centre for Drugs and Drug Addiction, regulatory agencies in foreign countries, and the United Nations Office on Drugs and Crime.

(3) Carrying out programs to provide technical assistance and equipment, as appropriate, to strengthen the capacity of foreign law enforcement agencies with respect to covered synthetic drugs, as required by section __03.

(4) Carrying out exchange programs for governmental and nongovernmental personnel in the United States and in foreign countries to provide educational and professional development on demand reduction matters relating to the illicit use of covered synthetic drugs and other drugs, as required by section __04.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of this section.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

SEC. __03. PROGRAM TO PROVIDE ASSISTANCE TO BUILD THE CAPACITY OF FOREIGN LAW ENFORCEMENT AGENCIES WITH RESPECT TO COVERED SYNTHETIC DRUGS.

(a) IN GENERAL.—Notwithstanding section 660 of the Foreign Assistance Act of 1961 (22

U.S.C. 2420), the Secretary of State shall establish a program to provide assistance to strengthen the capacity of law enforcement agencies of the countries described in subsection (c) to help such agencies to identify, track, and improve their forensics detection capabilities with respect to covered synthetic drugs.

(b) PRIORITY.—The Secretary of State shall prioritize technical assistance, and the provision of equipment, as appropriate, under subsection (a) among those countries described in subsection (c) in which such assistance and equipment would have the most impact in reducing illicit use of covered synthetic drugs in the United States.

(c) COUNTRIES DESCRIBED.—The foreign countries described in this subsection are—

(1) countries that are producers of covered synthetic drugs;

(2) countries whose pharmaceutical and chemical industries are known to be exploited for development or procurement of precursors of covered synthetic drugs; or

(3) major drug-transit countries for covered synthetic drugs as defined by the Secretary of State.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State to carry out this section $4,000,000 for each of the fiscal years 2022 through 2026. Such amounts shall be in addition to amounts otherwise available for such purposes.

SEC. __04. EXCHANGE PROGRAM ON DEMAND REDUCTION MATTERS RELATING TO ILLICIT USE OF COVERED SYNTHETIC DRUGS.

(a) IN GENERAL.—The Secretary of State shall establish or continue and strengthen, as appropriate, an exchange program for governmental and nongovernmental personnel in the United States and in foreign countries to provide educational and professional development on demand reduction matters relating to the illicit use of covered synthetic drugs and other drugs.

(b) PROGRAM REQUIREMENTS.—The program required by subsection (a)—

(1) shall be limited to individuals who have expertise and experience in matters described in subsection (a);

(2) in the case of inbound exchanges, may be carried out as part of exchange programs and international visitor programs administered by the Bureau of Educational and Cultural Affairs of the Department of State, including the International Visitor Leadership Program, in coordination with the Bureau of International Narcotics and Law Enforcement Affairs; and

(3) shall include outbound exchanges for governmental or nongovernmental personnel in the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State to carry out this section $1,000,000 for each of fiscal years 2022 through 2026. Such amounts shall be in addition to amounts otherwise available for such purposes.

SEC. __05. AMENDMENTS TO INTERNATIONAL NARCOTICS CONTROL PROGRAM.

(a) INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.—Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)) is amended by inserting after paragraph (9) the following new paragraph:

''(10) COVERED SYNTHETIC DRUGS AND NEW PSYCHOACTIVE SUBSTANCES.—

''(A) COVERED SYNTHETIC DRUGS.—Information that contains an assessment of the countries significantly involved in the manufacture, production, transshipment, or trafficking of covered synthetic drugs, to include the following:

''(i) The scale of legal domestic production and any available information on the number of manufacturers and producers of such drugs in such countries.

''(ii) Information on any law enforcement assessments of the scale of illegal production of such drugs, including a description of the capacity of illegal laboratories to produce such drugs.

''(iii) The types of inputs used and a description of the primary methods of synthesis employed by illegal producers of such drugs.

''(iv) An assessment of the policies of such countries to regulate licit manufacture and interdict illicit manufacture, diversion, distribution, shipment, and trafficking of such drugs and an assessment of the effectiveness of the policies' implementation.

''(B) NEW PSYCHOACTIVE SUBSTANCES.—Information on, to the extent practicable, any policies of responding to new psychoactive substances, to include the following:

''(i) Which governments have articulated policies on scheduling of such substances.

''(ii) Any data on impacts of such policies and other responses to such substances.

''(iii) An assessment of any policies the United States could adopt to improve its response to new psychoactive substances.

''(C) DEFINITIONS.—In this paragraph, the terms 'covered synthetic drug' and 'new psychoactive substance' have the meaning given those terms in section __07 of the FENTANYL Results Act.''.

(b) DEFINITION OF MAJOR ILLICIT DRUG PRODUCING COUNTRY.—Section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)) is amended—

(1) in paragraph (2)—

(A) by striking ''means a country in which—'' and inserting the following: ''means—

''(A) a country in which—'';

(B) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and moving such clauses, as so redesignated, two ems to the right;

(C) in subparagraph (A)(iii), as redesignated by this paragraph, by striking the semicolon at the end and inserting ''; or''; and

(D) by adding at the end the following new subparagraph:

''(B) a country which is a significant direct source of covered synthetic drugs or psychotropic drugs or other controlled substances significantly affecting the United States;'';

(2) by amending paragraph (5) to read as follows:

''(5) the term 'major drug-transit country' means a country through which are transported covered synthetic drugs or psychotropic drugs or other controlled substances significantly affecting the United States;'';

(3) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(9) the term 'covered synthetic drug' has the meaning given that term in section __07 of the FENTANYL Results Act.''.

SEC. __06. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the President should direct the United States Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to advocate for more transparent assessments of countries by the International Narcotics Control Board; and

(2) bilateral, plurilateral, and multilateral international cooperation is essential to combating the trafficking of covered synthetic drugs.

SEC. __07. DEFINITIONS.

In this subtitle:

(1) COVERED SYNTHETIC DRUG.—The term ''covered synthetic drug'' means—

(A) a synthetic controlled substance (as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))), including fentanyl or a fentanyl analogue; or

(B) a new psychoactive substance.

(2) NEW PSYCHOACTIVE SUBSTANCE.—The term ''new psychoactive substance'' means a substance of abuse, or any preparation thereof, that—

(A) is not—

(i) included in any schedule as a controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.); or

(ii) controlled by the Single Convention on Narcotic Drugs, done at New York March 30, 1961, or the Convention on Psychotropic Substances, done at Vienna February 21, 1971;

(B) is new or has reemerged on the illicit market; and

(C) poses a threat to the public health and safety.

SA 4757. Mr. BURR (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. [_____]. REVISION OF STANDARD OCCUPATIONAL CLASSIFICATION SYSTEM.

The Director of the Office of Management and Budget shall, not later than 30 days after the date of enactment of this Act, categorize public safety telecommunicators as a protective service occupation under the Standard Occupational Classification System.

SA 4758. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1224. REPORT ON IRANIAN MILITARY CAPABILITIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report that includes a detailed description of—

(1) improvements to Iranian military capabilities in the preceding 180-day period, including capabilities of the Islamic Revolutionary Guard Corps, the Quds Force, the Artesh, and the Basij, as well as those of its terrorist proxies; and

(2) the direct or indirect impact that the suspension, issuance, or revocation of any waiver, license, or suspension of economic sanctions on Iran may have on such capabilities.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form but may contain a classified annex.

SA 4759. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II , insert the following:

SEC. ____. IDENTIFICATION OF, AND PLAN TO IMPROVE, HYPERSONICS FACILITIES AND CAPABILITIES FOR CONDUCTING TEST AND EVALUATION OF HYPERSONICS TECHNOLOGIES.

(a) IDENTIFICATION REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) identify each facility and capability of the Major Range and Test Facility Base and facilities and capabilities of all Federal test facilities, including test facilities of the National Aeronautics and Space Administration, and private sector organizations that—

(A) are capable of conducting test and evaluation of hypersonics technologies; or

(B) provide other test and evaluation capabilities to support the development of hypersonics technologies; and

(2) not later than one year after the date of the enactment of this Act, provide to the congressional defense committees a briefing on a plan and schedule to improve the capabilities described in paragraph (1), including a description of proposed organizational changes, investments, policy changes, and other activities.

(b) MAJOR RANGE AND TEST FACILITY BASE DEFINED.—In this section, the term ''Major Range and Test Facility Base'' has the meaning given that term in section 196(i) of title 10, United States Code.

SA 4760. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. ___. NATIONAL EQUAL PAY ENFORCEMENT TASK FORCE.

(a) IN GENERAL.—There is established the National Equal Pay Enforcement Task Force, consisting of representatives from the Equal Employment Opportunity Commission, the Department of Justice, the Department of Labor, and the Office of Personnel Management.

(b) MISSION.—In order to improve compliance, public education, and enforcement of equal pay laws, the National Equal Pay Enforcement Task Force shall ensure that the agencies listed in subsection (a) are coordinating efforts and limiting potential gaps in enforcement.

(c) DUTIES.—The National Equal Pay Enforcement Task Force shall investigate challenges related to pay inequity pursuant to its mission in subsection (b), advance recommendations to address those challenges, and create action plans to implement the recommendations.

SA 4761. Mr. WARNOCK (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 376. REPORT ON INITIATIVES OF DEPARTMENT OF DEFENSE TO SOURCE LOCALLY AND REGIONALLY PRODUCED FOODS FOR INSTALLATIONS OF THE DEPARTMENT.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report detailing—

(1) efforts by the Department of Defense to establish and strengthen ''farm to base'' initiatives to source locally and regionally produced foods, including seafood, for consumption or distribution at installations of the Department;

(2) efforts by the Department to collaborate with relevant Federal agencies, including the Department of Veterans Affairs, the Department of Agriculture, and the Department of Commerce, in efforts to procure locally and regionally produced foods;

(3) current procurement practices of the Department of Defense regarding food for consumption or distribution on installations of the Department;

(4) opportunities where procurement of locally and regionally produced foods would be beneficial to members of the Armed Forces, their families, military readiness by improving health outcomes, and farmers near installations of the Department;

(5) barriers currently preventing the Department from increasing procurement of locally and regionally produced foods or preventing producers from partnering with nearby installations of the Department; and

(6) recommendations for how the Department can improve procurement practices to increase offerings of locally and regionally produced foods.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

(2) the Committee on Armed Services, the Committee on Natural Resources, and the Committee on Agriculture of the House of Representatives.

SA 4762. Mr. WARNOCK submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 318. ANNUAL REPORT ON DEPLOYMENT OF PHOTOVOLTAIC DEVICES BY DEPARTMENT OF DEFENSE.

Section 2925 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) ANNUAL REPORT RELATED TO DEPLOYMENT OF PHOTOVOLTAIC DEVICES.—(1) Simultaneous with the annual report required by subsection (a), the Secretary of Defense, acting through the Assistant Secretary of Defense for Energy, Installations, and Environment, shall submit to the congressional defense committees a report on the deployment of photovoltaic devices supporting the Department of Defense.

''(2) The annual report under this subsection shall include the following:

''(A) A description of all photovoltaic devices installed on property of the Department of Defense or in a facility owned by the Department of Defense, including the following information:

''(i) The location of each such device.

''(ii) The year each such device was installed.

''(iii) The power rating of each such device.

''(iv) The manufacturer of each such device.

''(v) The country or countries where such manufacturer and its affiliates are headquartered or conduct material operations.

''(vi) The country in which each such device was manufactured.

''(B) A description of all photovoltaic devices used to perform or support any non-expired energy savings performance contract (including under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287)), utility service contract, land lease, private housing contract, contract entered into under section 2922a of this title, or other arrangement whereby an agency of the Department of Defense acquired for the use or benefit of the United States Government solar energy or solar energy attributes, which shall include the information set forth under clauses (i) through (vi) of subparagraph (A) with respect to each such device.

''(3) If multiple photovoltaic devices are deployed at a single site, the description of photovoltaic devices required under subparagraph (A) or (B) of paragraph (2) may be aggregated if such devices share in common the manufacturer, the country or countries where such manufacturer and its affiliates are headquartered or conduct material operations, and the country in which such devices were manufactured.

''(4) The annual report under this subsection shall include descriptions only of photovoltaic devices that are designed to be affixed to land or real property and shall not include portable photovoltaic devices.''.

SA 4763. Mr. CORNYN (for himself, Mr. RUBIO, Mrs. HYDE-SMITH, and Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TREATMENT OF EXEMPTIONS AND RECORDKEEPING UNDER FARA.

(a) LIMITATION ON EXEMPTIONS.—Section 3 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 613), is amended, in the matter preceding subsection (a), by inserting '', except that the exemptions under subsections (d)(1) and (h) shall not apply to any agent of a foreign principal that is included on the list maintained by the Assistant Secretary of Commerce for Communications and Information under section 5'' before the colon.

(b) BOOKS AND RECORDS.—Section 5 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 615), is amended by adding at the end the following: ''The Assistant Secretary of Commerce for Communications and Information shall establish a list of, and any relevant information relating to, each agent of a foreign principal that is a foreign adversary (as defined in section 8(c) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1607(c))). The Assistant Secretary of Commerce for Communications and Information shall update and maintain the list and any related information under this subsection as the Assistant Secretary determines to be necessary and appropriate.''.

(c) NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION PROGRAM MODIFICATION.—Section 8(a)(2) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1607(a)(2)) is amended—

(1) in subparagraph (C)(ii), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) notwithstanding paragraph (3), periodically submit to the Attorney General a list of, and any relevant information relating to, each foreign adversary identified for purposes of the program.''.

SA 4764. Mr. MENENDEZ (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—FEDERAL INFORMATION SECURITY MODERNIZATION ACT OF 2021

SEC. 5101. SHORT TITLE.

This division may be cited as the ''Federal Information Security Modernization Act of 2021''.

SEC. 5102. DEFINITIONS.

In this division, unless otherwise specified:

(1) ADDITIONAL CYBERSECURITY PROCEDURE.—The term ''additional cybersecurity procedure'' has the meaning given the term in section 3552(b) of title 44, United States Code, as amended by this division.

(2) AGENCY.—The term ''agency'' has the meaning given the term in section 3502 of title 44, United States Code.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Oversight and Reform of the House of Representatives; and

(C) the Committee on Homeland Security of the House of Representatives.

(4) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(5) INCIDENT.—The term ''incident'' has the meaning given the term in section 3552(b) of title 44, United States Code.

(6) NATIONAL SECURITY SYSTEM.—The term ''national security system'' has the meaning given the term in section 3552(b) of title 44, United States Code.

(7) PENETRATION TEST.—The term ''penetration test'' has the meaning given the term in section 3552(b) of title 44, United States Code, as amended by this division.

(8) THREAT HUNTING.—The term ''threat hunting'' means proactively and iteratively searching for threats to systems that evade detection by automated threat detection systems.

TITLE LI—UPDATES TO FISMA

SEC. 5121. TITLE 44 AMENDMENTS.

(a) SUBCHAPTER I AMENDMENTS.—Subchapter I of chapter 35 of title 44, United States Code, is amended—

(1) in section 3504—

(A) in subsection (a)(1)(B)—

(i) by striking clause (v) and inserting the following:

''(v) confidentiality, privacy, disclosure, and sharing of information;'';

(ii) by redesignating clause (vi) as clause (vii); and

(iii) by inserting after clause (v) the following:

''(vi) in consultation with the National Cyber Director and the Director of the Cybersecurity and Infrastructure Security Agency, security of information; and''; and

(B) in subsection (g), by striking paragraph (1) and inserting the following:

''(1) develop, and in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies; and'';

(2) in section 3505—

(A) in paragraph (3) of the first subsection designated as subsection (c)—

(i) in subparagraph (B)—

(I) by inserting ''the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, and'' before ''the Comptroller General''; and

(II) by striking ''and'' at the end;

(ii) in subparagraph (C)(v), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) maintained on a continual basis through the use of automation, machine-readable data, and scanning.''; and

(B) by striking the second subsection designated as subsection (c);

(3) in section 3506—

(A) in subsection (b)(1)(C), by inserting '', availability'' after ''integrity''; and

(B) in subsection (h)(3), by inserting ''security,'' after ''efficiency,''; and

(4) in section 3513—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following:

''(c) Each agency providing a written plan under subsection (b) shall provide any portion of the written plan addressing information security or cybersecurity to the Director of the Cybersecurity and Infrastructure Security Agency.''.

(b) SUBCHAPTER II DEFINITIONS.—

(1) IN GENERAL.—Section 3552(b) of title 44, United States Code, is amended—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), (6), (9), and (11), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

''(1) The term 'additional cybersecurity procedure' means a process, procedure, or other activity that is established in excess of the information security standards promulgated under section 11331(b) of title 40 to increase the security and reduce the cybersecurity risk of agency systems.'';

(C) by inserting after paragraph (6), as so redesignated, the following:

''(7) The term 'high value asset' means information or an information system that the head of an agency determines so critical to the agency that the loss or corruption of the information or the loss of access to the information system would have a serious impact on the ability of the agency to perform the mission of the agency or conduct business.

''(8) The term 'major incident' has the meaning given the term in guidance issued by the Director under section 3598(a).'';

(D) by inserting after paragraph (9), as so redesignated, the following:

''(10) The term 'penetration test' means a specialized type of assessment that—

''(A) is conducted on an information system or a component of an information system; and

''(B) emulates an attack or other exploitation capability of a potential adversary, typically under specific constraints, in order to identify any vulnerabilities of an information system or a component of an information system that could be exploited.''; and

(E) by inserting after paragraph (11), as so redesignated, the following:

''(12) The term 'shared service' means a centralized business or mission capability that is provided to multiple organizations within an agency or to multiple agencies.''.

(2) CONFORMING AMENDMENTS.—

(A) HOMELAND SECURITY ACT OF 2002.—Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(1)(A)) is amended by striking ''section 3552(b)(5)'' and inserting ''section 3552(b)''.

(B) TITLE 10.—

(i) SECTION 2222.—Section 2222(i)(8) of title 10, United States Code, is amended by striking ''section 3552(b)(6)(A)'' and inserting ''section 3552(b)(9)(A)''.

(ii) SECTION 2223.—Section 2223(c)(3) of title 10, United States Code, is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(iii) SECTION 2315.—Section 2315 of title 10, United States Code, is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(iv) SECTION 2339A.—Section 2339a(e)(5) of title 10, United States Code, is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(C) HIGH-PERFORMANCE COMPUTING ACT OF 1991.—Section 207(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5527(a)) is amended by striking ''section 3552(b)(6)(A)(i)'' and inserting ''section 3552(b)(9)(A)(i)''.

(D) INTERNET OF THINGS CYBERSECURITY IMPROVEMENT ACT OF 2020.—Section 3(5) of the Internet of Things Cybersecurity Improvement Act of 2020 (15 U.S.C. 278g–3a) is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(E) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.—Section 933(e)(1)(B) of the National Defense Authorization Act for Fiscal Year 2013 (10 U.S.C. 2224 note) is amended by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''.

(F) IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—The Ike Skelton National Defense Authorization Act

for Fiscal Year 2011 (Public Law 111–383) is amended—

(i) in section 806(e)(5) (10 U.S.C. 2304 note), by striking ''section 3542(b)'' and inserting ''section 3552(b)'';

(ii) in section 931(b)(3) (10 U.S.C. 2223 note), by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''; and

(iii) in section 932(b)(2) (10 U.S.C. 2224 note), by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''.

(G) E-GOVERNMENT ACT OF 2002.—Section 301(c)(1)(A) of the E-Government Act of 2002 (44 U.S.C. 3501 note) is amended by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''.

(H) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(i) in subsection (a)(2), by striking ''section 3552(b)(5)'' and inserting ''section 3552(b)''; and

(ii) in subsection (f)—

(I) in paragraph (3), by striking ''section 3532(1)'' and inserting ''section 3552(b)''; and

(II) in paragraph (5), by striking ''section 3532(b)(2)'' and inserting ''section 3552(b)''.

(c) SUBCHAPTER II AMENDMENTS.—Subchapter II of chapter 35 of title 44, United States Code, is amended—

(1) in section 3551—

(A) in paragraph (4), by striking ''diagnose and improve'' and inserting ''integrate, deliver, diagnose, and improve'';

(B) in paragraph (5), by striking ''and'' at the end;

(C) in paragraph (6), by striking the period at the end and inserting a semi colon; and

(D) by adding at the end the following:

''(7) recognize that each agency has specific mission requirements and, at times, unique cybersecurity requirements to meet the mission of the agency;

''(8) recognize that each agency does not have the same resources to secure agency systems, and an agency should not be expected to have the capability to secure the systems of the agency from advanced adversaries alone; and

''(9) recognize that a holistic Federal cybersecurity model is necessary to account for differences between the missions and capabilities of agencies.'';

(2) in section 3553—

(A) by striking the section heading and inserting ''**Authority and functions of the Director and the Director of the Cybersecurity and Infrastructure Security Agency**''.

(B) in subsection (a)—

(i) in paragraph (1), by inserting '', in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director,'' before ''overseeing'';

(ii) in paragraph (5), by striking ''and'' at the end; and

(iii) by adding at the end the following:

''(8) promoting, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the Director of the National Institute of Standards and Technology—

''(A) the use of automation to improve Federal cybersecurity and visibility with respect to the implementation of Federal cybersecurity; and

''(B) the use of presumption of compromise and least privilege principles to improve resiliency and timely response actions to incidents on Federal systems.'';

(C) in subsection (b)—

(i) by striking the subsection heading and inserting ''CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY'';

(ii) in the matter preceding paragraph (1), by striking ''The Secretary, in consultation with the Director'' and inserting ''The Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director and the National Cyber Director'';

(iii) in paragraph (2)—

(I) in subparagraph (A), by inserting ''and reporting requirements under subchapter IV of this title'' after ''section 3556''; and

(II) in subparagraph (D), by striking ''the Director or Secretary'' and inserting ''the Director of the Cybersecurity and Infrastructure Security Agency'';

(iv) in paragraph (5), by striking ''coordinating'' and inserting ''leading the coordination of'';

(v) in paragraph (8), by striking ''the Secretary's discretion'' and inserting ''the Director of the Cybersecurity and Infrastructure Security Agency's discretion''; and

(vi) in paragraph (9), by striking ''as the Director or the Secretary, in consultation with the Director,'' and inserting ''as the Director of the Cybersecurity and Infrastructure Security Agency'';

(D) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking ''each year'' and inserting ''each year during which agencies are required to submit reports under section 3554(c)'';

(ii) by striking paragraph (1);

(iii) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(iv) in paragraph (3), as so redesignated, by striking ''and'' at the end;

(v) by inserting after paragraph (3), as so redesignated the following:

''(4) a summary of each assessment of Federal risk posture performed under subsection (i);''; and

(vi) in paragraph (5), by striking the period at the end and inserting ''; and'';

(E) by redesignating subsections (i), (j), (k), and (l) as subsections (j), (k), (l), and (m) respectively;

(F) by inserting after subsection (h) the following:

''(i) FEDERAL RISK ASSESSMENTS.—On an ongoing and continuous basis, the Director of the Cybersecurity and Infrastructure Security Agency shall perform assessments of Federal risk posture using any available information on the cybersecurity posture of agencies, and brief the Director and National Cyber Director on the findings of those assessments including—

''(1) the status of agency cybersecurity remedial actions described in section 3554(b)(7);

''(2) any vulnerability information relating to the systems of an agency that is known by the agency;

''(3) analysis of incident information under section 3597;

''(4) evaluation of penetration testing performed under section 3559A;

''(5) evaluation of vulnerability disclosure program information under section 3559B;

''(6) evaluation of agency threat hunting results;

''(7) evaluation of Federal and non-Federal cyber threat intelligence;

''(8) data on agency compliance with standards issued under section 11331 of title 40;

''(9) agency system risk assessments performed under section 3554(a)(1)(A); and

''(10) any other information the Director of the Cybersecurity and Infrastructure Security Agency determines relevant.''; and

(G) in subsection (j), as so redesignated—

(i) by striking ''regarding the specific'' and inserting ''that includes a summary of—

''(1) the specific'';

(ii) in paragraph (1), as so designated, by striking the period at the end and inserting ''; and'' and

(iii) by adding at the end the following:

''(2) the trends identified in the Federal risk assessment performed under subsection (i).''; and

(H) by adding at the end the following:

''(n) BINDING OPERATIONAL DIRECTIVES.—If the Director of the Cybersecurity and Infrastructure Security Agency issues a binding operational directive or an emergency directive under this section, not later than 2 days after the date on which the binding operational directive requires an agency to take an action, the Director of the Cybersecurity and Infrastructure Security Agency shall provide to the appropriate reporting entities the status of the implementation of the binding operational directive at the agency.'';

(3) in section 3554—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D), respectively;

(II) by inserting before subparagraph (B), as so redesignated, the following:

''(A) on an ongoing and continuous basis, performing agency system risk assessments that—

''(i) identify and document the high value assets of the agency using guidance from the Director;

''(ii) evaluate the data assets inventoried under section 3511 for sensitivity to compromises in confidentiality, integrity, and availability;

''(iii) identify agency systems that have access to or hold the data assets inventoried under section 3511;

''(iv) evaluate the threats facing agency systems and data, including high value assets, based on Federal and non-Federal cyber threat intelligence products, where available;

''(v) evaluate the vulnerability of agency systems and data, including high value assets, including by analyzing—

''(I) the results of penetration testing performed by the Department of Homeland Security under section 3553(b)(9);

''(II) the results of penetration testing performed under section 3559A;

''(III) information provided to the agency through the vulnerability disclosure program of the agency under section 3559B;

''(IV) incidents; and

''(V) any other vulnerability information relating to agency systems that is known to the agency;

''(vi) assess the impacts of potential agency incidents to agency systems, data, and operations based on the evaluations described in clauses (ii) and (iv) and the agency systems identified under clause (iii); and

''(vii) assess the consequences of potential incidents occurring on agency systems that would impact systems at other agencies, including due to interconnectivity between different agency systems or operational reliance on the operations of the system or data in the system;'';

(III) in subparagraph (B), as so redesignated, in the matter preceding clause (i), by striking ''providing information'' and inserting ''using information from the assessment conducted under subparagraph (A), providing, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, information'';

(IV) in subparagraph (C), as so redesignated—

(aa) in clause (ii) by inserting ''binding'' before ''operational''; and

(bb) in clause (vi), by striking ''and'' at the end; and

(V) by adding at the end the following:

''(E) providing an update on the ongoing and continuous assessment performed under subparagraph (A)—

''(i) upon request, to the inspector general of the agency or the Comptroller General of the United States; and

''(ii) on a periodic basis, as determined by guidance issued by the Director but not less frequently than annually, to—

''(I) the Director;

''(II) the Director of the Cybersecurity and Infrastructure Security Agency; and

''(III) the National Cyber Director;

''(F) in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and not less frequently than once every 3 years, performing an evaluation of whether additional cybersecurity procedures are appropriate for securing a system of, or under the supervision of, the agency, which shall—

''(i) be completed considering the agency system risk assessment performed under subparagraph (A); and

''(ii) include a specific evaluation for high value assets;

''(G) not later than 30 days after completing the evaluation performed under subparagraph (F), providing the evaluation and an implementation plan, if applicable, for using additional cybersecurity procedures determined to be appropriate to—

''(i) the Director of the Cybersecurity and Infrastructure Security Agency;

''(ii) the Director; and

''(iii) the National Cyber Director; and

''(H) if the head of the agency determines there is need for additional cybersecurity procedures, ensuring that those additional cybersecurity procedures are reflected in the budget request of the agency in accordance with the risk-based cyber budget model developed pursuant to section 3553(a)(7);'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by inserting ''in accordance with the agency system risk assessment performed under paragraph (1)(A)'' after ''information systems'';

(II) in subparagraph (B)—

(aa) by striking ''in accordance with standards'' and inserting ''in accordance with—

''(i) standards''; and

(bb) by adding at the end the following:

''(ii) the evaluation performed under paragraph (1)(F); and

''(iii) the implementation plan described in paragraph (1)(G);''; and

(III) in subparagraph (D), by inserting '', through the use of penetration testing, the vulnerability disclosure program established under section 3559B, and other means,'' after ''periodically'';

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) in clause (iii), by striking ''and'' at the end;

(bb) in clause (iv), by adding ''and'' at the end; and

(cc) by adding at the end the following:

''(v) ensure that—

''(I) senior agency information security officers of component agencies carry out responsibilities under this subchapter, as directed by the senior agency information security officer of the agency or an equivalent official; and

''(II) senior agency information security officers of component agencies report to—

''(aa) the senior information security officer of the agency or an equivalent official; and

''(bb) the Chief Information Officer of the component agency or an equivalent official;''; and

(iv) in paragraph (5), by inserting ''and the Director of the Cybersecurity and Infrastructure Security Agency'' before ''on the effectiveness'';

(B) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

''(1) pursuant to subsection (a)(1)(A), performing ongoing and continuous agency system risk assessments, which may include using guidelines and automated tools consistent with standards and guidelines promulgated under section 11331 of title 40, as applicable;'';

(ii) in paragraph (2)—

(I) by striking subparagraph (B) and inserting the following:

''(B) comply with the risk-based cyber budget model developed pursuant to section 3553(a)(7);''; and

(II) in subparagraph (D)—

(aa) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

(bb) by inserting after clause (ii) the following:

''(iii) binding operational directives and emergency directives promulgated by the Director of the Cybersecurity and Infrastructure Security Agency under section 3553;''; and

(cc) in clause (iv), as so redesignated, by striking ''as determined by the agency; and'' and inserting ''as determined by the agency, considering—

''(I) the agency risk assessment performed under subsection (a)(1)(A); and

''(II) the determinations of applying more stringent standards and additional cybersecurity procedures pursuant to section 11331(c)(1) of title 40; and'';

(iii) in paragraph (5)(A), by inserting '', including penetration testing, as appropriate,'' after ''shall include testing'';

(iv) in paragraph (6), by striking ''planning, implementing, evaluating, and documenting'' and inserting ''planning and implementing and, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, evaluating and documenting'';

(v) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(vi) by inserting after paragraph (6) the following:

''(7) a process for providing the status of every remedial action and known system vulnerability to the Director and the Director of the Cybersecurity and Infrastructure Security Agency, using automation and machine-readable data to the greatest extent practicable;''; and

(vii) in paragraph (8)(C), as so redesignated—

(I) by striking clause (ii) and inserting the following:

''(ii) notifying and consulting with the Federal information security incident center established under section 3556 pursuant to the requirements of section 3594;'';

(II) by redesignating clause (iii) as clause (iv);

(III) by inserting after clause (ii) the following:

''(iii) performing the notifications and other activities required under subchapter IV of this title; and''; and

(IV) in clause (iv), as so redesignated—

(aa) in subclause (I), by striking ''and relevant offices of inspectors general'';

(bb) in subclause (II), by adding ''and'' at the end;

(cc) by striking subclause (III); and

(dd) by redesignating subclause (IV) as subclause (III);

(C) in subsection (c)—

(i) by redesignating paragraph (2) as paragraph (5);

(ii) by striking paragraph (1) and inserting the following:

''(1) BIANNUAL REPORT.—Not later than 2 years after the date of enactment of the Federal Information Security Modernization Act of 2021 and not less frequently than once every 2 years thereafter, using the continuous and ongoing agency system risk assessment under subsection (a)(1)(A), the head of each agency shall submit to the Director, the Director of the Cybersecurity and Infrastructure Security Agency, the majority and minority leaders of the Senate, the Speaker and minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, the appropriate authorization and appropriations committees of Congress, the National Cyber Director, and the Comptroller General of the United States a report that—

''(A) summarizes the agency system risk assessment performed under subsection (a)(1)(A);

''(B) evaluates the adequacy and effectiveness of information security policies, procedures, and practices of the agency to address the risks identified in the agency system risk assessment performed under subsection (a)(1)(A), including an analysis of the agency's cybersecurity and incident response capabilities using the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c));

''(C) summarizes the evaluation and implementation plans described in subparagraphs (F) and (G) of subsection (a)(1) and whether those evaluation and implementation plans call for the use of additional cybersecurity procedures determined to be appropriate by the agency; and

''(D) summarizes the status of remedial actions identified by inspector general of the agency, the Comptroller General of the United States, and any other source determined appropriate by the head of the agency.

''(2) UNCLASSIFIED REPORTS.—Each report submitted under paragraph (1)—

''(A) shall be, to the greatest extent practicable, in an unclassified and otherwise uncontrolled form; and

''(B) may include a classified annex.

''(3) ACCESS TO INFORMATION.—The head of an agency shall ensure that, to the greatest extent practicable, information is included in the unclassified form of the report submitted by the agency under paragraph (2)(A).

''(4) BRIEFINGS.—During each year during which a report is not required to be submitted under paragraph (1), the Director shall provide to the congressional committees described in paragraph (1) a briefing summarizing current agency and Federal risk postures.''; and

(iii) in paragraph (5), as so redesignated, by inserting ''including the reporting procedures established under section 11315(d) of title 40 and subsection (a)(3)(A)(v) of this section''; and

(D) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting ''and the Director of the Cybersecurity and Infrastructure Security Agency'' after ''the Director''; and

(4) in section 3555—

(A) in the section heading, by striking ''**ANNUAL INDEPENDENT**'' and inserting ''**INDEPENDENT**'';

(B) in subsection (a)—

(i) in paragraph (1), by inserting ''during which a report is required to be submitted under section 3553(c),'' after ''Each year'';

(ii) in paragraph (2)(A), by inserting '', including by penetration testing and analyzing the vulnerability disclosure program of the agency'' after ''information systems''; and

(iii) by adding at the end the following:

''(3) An evaluation under this section may include recommendations for improving the cybersecurity posture of the agency.'';

(C) in subsection (b)(1), by striking ''annual'';

(D) in subsection (e)(1), by inserting ''during which a report is required to be submitted under section 3553(c)'' after ''Each year'';

(E) by striking subsection (f) and inserting the following:

''(f) PROTECTION OF INFORMATION.—(1) Agencies, evaluators, and other recipients of information that, if disclosed, may cause grave harm to the efforts of Federal information security officers shall take appropriate steps to ensure the protection of that information, including safeguarding the information from public disclosure.

''(2) The protections required under paragraph (1) shall be commensurate with the risk and comply with all applicable laws and regulations.

''(3) With respect to information that is not related to national security systems, agencies and evaluators shall make a summary of the information unclassified and publicly available, including information that does not identify—

''(A) specific information system incidents; or

''(B) specific information system vulnerabilities.'';

(F) in subsection (g)(2)—

(i) by striking ''this subsection shall'' and inserting ''this subsection—

''(A) shall'';

(ii) in subparagraph (A), as so designated, by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(B) identify any entity that performs an independent evaluation under subsection (b).''; and

(G) by striking subsection (j) and inserting the following:

''(j) GUIDANCE.—

''(1) IN GENERAL.—The Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, the Chief Information Officers Council, the Council of the Inspectors General on Integrity and Efficiency, and other interested parties as appropriate, shall ensure the development of guidance for evaluating the effectiveness of an information security program and practices

''(2) PRIORITIES.—The guidance developed under paragraph (1) shall prioritize the identification of—

''(A) the most common threat patterns experienced by each agency;

''(B) the security controls that address the threat patterns described in subparagraph (A); and

''(C) any other security risks unique to the networks of each agency.''; and

(5) in section 3556(a)—

(A) in the matter preceding paragraph (1), by inserting ''within the Cybersecurity and Infrastructure Security Agency'' after ''incident center''; and

(B) in paragraph (4), by striking ''3554(b)'' and inserting ''3554(a)(1)(A)''.

(d) CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 35 of title 44, United States Code, is amended—

(A) by striking the item relating to section 3553 and inserting the following:

''3553. Authority and functions of the Director and the Director of the Cybersecurity and Infrastructure Security Agency.''; and

(B) by striking the item relating to section 3555 and inserting the following:

''3555. Independent evaluation.''.

(2) OMB REPORTS.—Section 226(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1524(c)) is amended—

(A) in paragraph (1)(B), in the matter preceding clause (i), by striking ''annually thereafter'' and inserting ''thereafter during the years during which a report is required to be submitted under section 3553(c) of title 44, United States Code''; and

(B) in paragraph (2)(B), in the matter preceding clause (i)—

(i) by striking ''annually thereafter'' and inserting ''thereafter during the years during which a report is required to be submitted under section 3553(c) of title 44, United States Code''; and

(ii) by striking ''the report required under section 3553(c) of title 44, United States Code'' and inserting ''that report''.

(3) NIST RESPONSIBILITIES.—Section 20(d)(3)(B) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(d)(3)(B)) is amended by striking ''annual''.

(e) FEDERAL SYSTEM INCIDENT RESPONSE.—

(1) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—FEDERAL SYSTEM INCIDENT RESPONSE

''§ 3591. Definitions

''(a) IN GENERAL.—Except as provided in subsection (b), the definitions under sections 3502 and 3552 shall apply to this subchapter.

''(b) ADDITIONAL DEFINITIONS.—As used in this subchapter:

''(1) APPROPRIATE REPORTING ENTITIES.—The term 'appropriate reporting entities' means—

''(A) the majority and minority leaders of the Senate;

''(B) the Speaker and minority leader of the House of Representatives;

''(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(D) the Committee on Oversight and Reform of the House of Representatives;

''(E) the Committee on Homeland Security of the House of Representatives;

''(F) the appropriate authorization and appropriations committees of Congress;

''(G) the Director;

''(H) the Director of the Cybersecurity and Infrastructure Security Agency;

''(I) the National Cyber Director;

''(J) the Comptroller General of the United States; and

''(K) the inspector general of any impacted agency.

''(2) AWARDEE.—The term 'awardee'—

''(A) means a person, business, or other entity that receives a grant from, or is a party to a cooperative agreement or an other transaction agreement with, an agency; and

''(B) includes any subgrantee of a person, business, or other entity described in subparagraph (A).

''(3) BREACH.—The term 'breach' means—

''(A) a compromise of the security, confidentiality, or integrity of data in electronic form that results in unauthorized access to, or an acquisition of, personal information; or

''(B) a loss of data in electronic form that results in unauthorized access to, or an acquisition of, personal information.

''(4) CONTRACTOR.—The term 'contractor' means—

''(A) a prime contractor of an agency or a subcontractor of a prime contractor of an agency; and

''(B) any person or business that collects or maintains information, including personally identifiable information, on behalf of an agency.

''(5) FEDERAL INFORMATION.—The term 'Federal information' means information created, collected, processed, maintained, disseminated, disclosed, or disposed of by or for the Federal Government in any medium or form.

''(6) FEDERAL INFORMATION SYSTEM.—The term 'Federal information system' means an information system used or operated by an agency, a contractor, an awardee, or another organization on behalf of an agency.

''(7) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

''(8) NATIONWIDE CONSUMER REPORTING AGENCY.—The term 'nationwide consumer reporting agency' means a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)).

''(9) VULNERABILITY DISCLOSURE.—The term 'vulnerability disclosure' means a vulnerability identified under section 3559B.

''§ 3592. Notification of breach

''(a) NOTIFICATION.—As expeditiously as practicable and without unreasonable delay, and in any case not later than 45 days after an agency has a reasonable basis to conclude that a breach has occurred, the head of the agency, in consultation with a senior privacy officer of the agency, shall—

''(1) determine whether notice to any individual potentially affected by the breach is appropriate based on an assessment of the risk of harm to the individual that considers—

''(A) the nature and sensitivity of the personally identifiable information affected by the breach;

''(B) the likelihood of access to and use of the personally identifiable information affected by the breach;

''(C) the type of breach; and

''(D) any other factors determined by the Director; and

''(2) as appropriate, provide written notice in accordance with subsection (b) to each individual potentially affected by the breach—

''(A) to the last known mailing address of the individual; or

''(B) through an appropriate alternative method of notification that the head of the agency or a designated senior-level individual of the agency selects based on factors determined by the Director.

''(b) CONTENTS OF NOTICE.—Each notice of a breach provided to an individual under subsection (a)(2) shall include—

''(1) a brief description of the rationale for the determination that notice should be provided under subsection (a);

''(2) if possible, a description of the types of personally identifiable information affected by the breach;

''(3) contact information of the agency that may be used to ask questions of the agency, which—

''(A) shall include an e-mail address or another digital contact mechanism; and

''(B) may include a telephone number or a website;

''(4) information on any remedy being offered by the agency;

''(5) any applicable educational materials relating to what individuals can do in response to a breach that potentially affects their personally identifiable information, including relevant contact information for Federal law enforcement agencies and each nationwide consumer reporting agency; and

''(6) any other appropriate information, as determined by the head of the agency or established in guidance by the Director.

''(c) DELAY OF NOTIFICATION.—

''(1) IN GENERAL.—The Attorney General, the Director of National Intelligence, or the Secretary of Homeland Security may delay a notification required under subsection (a) if the notification would—

''(A) impede a criminal investigation or a national security activity;

''(B) reveal sensitive sources and methods;

''(C) cause damage to national security; or

''(D) hamper security remediation actions.

''(2) DOCUMENTATION.—

''(A) IN GENERAL.—Any delay under paragraph (1) shall be reported in writing to the Director, the Attorney General, the Director of National Intelligence, the Secretary of Homeland Security, the Director of the Cybersecurity and Infrastructure Security Agency, and the head of the agency and the inspector general of the agency that experienced the breach.

''(B) CONTENTS.—A report required under subparagraph (A) shall include a written statement from the entity that delayed the notification explaining the need for the delay.

''(C) FORM.—The report required under subparagraph (A) shall be unclassified but may include a classified annex.

''(3) RENEWAL.—A delay under paragraph (1) shall be for a period of 60 days and may be renewed.

''(d) UPDATE NOTIFICATION.—If an agency determines there is a significant change in the reasonable basis to conclude that a breach occurred, a significant change to the determination made under subsection (a)(1), or that it is necessary to update the details of the information provided to impacted individuals as described in subsection (b), the agency shall as expeditiously as practicable and without unreasonable delay, and in any case not later than 30 days after such a determination, notify each individual who received a notification pursuant to subsection (a) of those changes.

''(e) EXEMPTION FROM NOTIFICATION.—

''(1) IN GENERAL.—The head of an agency, in consultation with the inspector general of the agency, may request an exemption from the Director from complying with the notification requirements under subsection (a) if the information affected by the breach is determined by an independent evaluation to be unreadable, including, as appropriate, instances in which the information is—

''(A) encrypted; and

''(B) determined by the Director of the Cybersecurity and Infrastructure Security Agency to be of sufficiently low risk of exposure.

''(2) APPROVAL.—The Director shall determine whether to grant an exemption requested under paragraph (1) in consultation with—

''(A) the Director of the Cybersecurity and Infrastructure Security Agency; and

''(B) the Attorney General.

''(3) DOCUMENTATION.—Any exemption granted by the Director under paragraph (1) shall be reported in writing to the head of the agency and the inspector general of the agency that experienced the breach and the Director of the Cybersecurity and Infrastructure Security Agency.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit—

''(1) the Director from issuing guidance relating to notifications or the head of an agency from notifying individuals potentially affected by breaches that are not determined to be major incidents; or

''(2) the Director from issuing guidance relating to notifications of major incidents or the head of an agency from providing more information than described in subsection (b) when notifying individuals potentially affected by breaches.

''§ 3593. Congressional and Executive Branch reports

''(a) INITIAL REPORT.—

''(1) IN GENERAL.—Not later than 72 hours after an agency has a reasonable basis to conclude that a major incident occurred, the head of the agency impacted by the major incident shall submit to the appropriate reporting entities a written report and, to the extent practicable, provide a briefing to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the appropriate authorization and appropriations committees of Congress, taking into account—

''(A) the information known at the time of the report;

''(B) the sensitivity of the details associated with the major incident; and

''(C) the classification level of the information contained in the report.

''(2) CONTENTS.—A report required under paragraph (1) shall include, in a manner that excludes or otherwise reasonably protects personally identifiable information and to the extent permitted by applicable law, including privacy and statistical laws—

''(A) a summary of the information available about the major incident, including how the major incident occurred, information indicating that the major incident may be a breach, and information relating to the major incident as a breach, based on information available to agency officials as of the date on which the agency submits the report;

''(B) if applicable, a description and any associated documentation of any circumstances necessitating a delay in or exemption to notification to individuals potentially affected by the major incident under subsection (c) or (e) of section 3592; and

''(C) if applicable, an assessment of the impacts to the agency, the Federal Government, or the security of the United States, based on information available to agency officials on the date on which the agency submits the report.

''(b) SUPPLEMENTAL REPORT.—Within a reasonable amount of time, but not later than 30 days after the date on which an agency submits a written report under subsection (a), the head of the agency shall provide to the appropriate reporting entities written updates on the major incident and, to the extent practicable, provide a briefing to the congressional committees described in subsection (a)(1), including summaries of—

''(1) vulnerabilities, means by which the major incident occurred, and impacts to the agency relating to the major incident;

''(2) any risk assessment and subsequent risk-based security implementation of the affected information system before the date on which the major incident occurred;

''(3) the status of compliance of the affected information system with applicable security requirements at the time of the major incident;

''(4) an estimate of the number of individuals potentially affected by the major incident based on information available to agency officials as of the date on which the agency provides the update;

''(5) an assessment of the risk of harm to individuals potentially affected by the major incident based on information available to agency officials as of the date on which the agency provides the update;

''(6) an update to the assessment of the risk to agency operations, or to impacts on other agency or non-Federal entity operations, affected by the major incident based on information available to agency officials as of the date on which the agency provides the update; and

''(7) the detection, response, and remediation actions of the agency, including any support provided by the Cybersecurity and Infrastructure Security Agency under section 3594(d) and status updates on the notification process described in section 3592(a), including any delay or exemption described in subsection (c) or (e), respectively, of section 3592, if applicable.

''(c) UPDATE REPORT.—If the agency determines that there is any significant change in the understanding of the agency of the scope, scale, or consequence of a major incident for which an agency submitted a written report under subsection (a), the agency shall provide an updated report to the appropriate reporting entities that includes information relating to the change in understanding.

''(d) ANNUAL REPORT.—Each agency shall submit as part of the annual report required under section 3554(c)(1) of this title a description of each major incident that occurred during the 1-year period preceding the date on which the report is submitted.

''(e) DELAY AND EXEMPTION REPORT.—

''(1) IN GENERAL.—The Director shall submit to the appropriate notification entities an annual report on all notification delays and exemptions granted pursuant to subsections (c) and (d) of section 3592.

''(2) COMPONENT OF OTHER REPORT.—The Director may submit the report required under paragraph (1) as a component of the annual report submitted under section 3597(b).

''(f) REPORT DELIVERY.—Any written report required to be submitted under this section may be submitted in a paper or electronic format.

''(g) THREAT BRIEFING.—

''(1) IN GENERAL.—Not later than 7 days after the date on which an agency has a reasonable basis to conclude that a major incident occurred, the head of the agency, jointly with the National Cyber Director and any other Federal entity determined appropriate by the National Cyber Director, shall provide a briefing to the congressional committees described in subsection (a)(1) on the threat causing the major incident.

''(2) COMPONENTS.—The briefing required under paragraph (1)—

''(A) shall, to the greatest extent practicable, include an unclassified component; and

''(B) may include a classified component.

''(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit—

''(1) the ability of an agency to provide additional reports or briefings to Congress; or

''(2) Congress from requesting additional information from agencies through reports, briefings, or other means.

''§ 3594. Government information sharing and incident response

''(a) IN GENERAL.—

''(1) INCIDENT REPORTING.—The head of each agency shall provide any information relating to any incident, whether the information is obtained by the Federal Government directly or indirectly, to the Cybersecurity and Infrastructure Security Agency and the Office of Management and Budget.

''(2) CONTENTS.—A provision of information relating to an incident made by the head of an agency under paragraph (1) shall—

''(A) include detailed information about the safeguards that were in place when the incident occurred;

''(B) whether the agency implemented the safeguards described in subparagraph (A) correctly;

''(C) in order to protect against a similar incident, identify—

''(i) how the safeguards described in subparagraph (A) should be implemented differently; and

''(ii) additional necessary safeguards; and

''(D) include information to aid in incident response, such as—

''(i) a description of the affected systems or networks;

''(ii) the estimated dates of when the incident occurred; and

''(iii) information that could reasonably help identify the party that conducted the incident.

''(3) INFORMATION SHARING.—To the greatest extent practicable, the Director of the

Cybersecurity and Infrastructure Security Agency shall share information relating to an incident with any agencies that may be impacted by the incident.

''(4) NATIONAL SECURITY SYSTEMS.—Each agency operating or exercising control of a national security system shall share information about incidents that occur on national security systems with the Director of the Cybersecurity and Infrastructure Security Agency to the extent consistent with standards and guidelines for national security systems issued in accordance with law and as directed by the President.

''(b) COMPLIANCE.—The information provided under subsection (a) shall take into account the level of classification of the information and any information sharing limitations and protections, such as limitations and protections relating to law enforcement, national security, privacy, statistical confidentiality, or other factors determined by the Director

''(c) INCIDENT RESPONSE.—Each agency that has a reasonable basis to conclude that a major incident occurred involving Federal information in electronic medium or form, as defined by the Director and not involving a national security system, regardless of delays from notification granted for a major incident, shall coordinate with the Cybersecurity and Infrastructure Security Agency regarding—

''(1) incident response and recovery; and

''(2) recommendations for mitigating future incidents.

''§ 3595. Responsibilities of contractors and awardees

''(a) NOTIFICATION.—

''(1) IN GENERAL.—Unless otherwise specified in a contract, grant, cooperative agreement, or an other transaction agreement, any contractor or awardee of an agency shall report to the agency within the same amount of time such agency is required to report an incident to the Cybersecurity and Infrastructure Security Agency, if the contractor or awardee has a reasonable basis to conclude that—

''(A) an incident or breach has occurred with respect to Federal information collected, used, or maintained by the contractor or awardee in connection with the contract, grant, cooperative agreement, or other transaction agreement of the contractor or awardee;

''(B) an incident or breach has occurred with respect to a Federal information system used or operated by the contractor or awardee in connection with the contract, grant, cooperative agreement, or other transaction agreement of the contractor or awardee; or

''(C) the contractor or awardee has received information from the agency that the contractor or awardee is not authorized to receive in connection with the contract, grant, cooperative agreement, or other transaction agreement of the contractor or awardee.

''(2) PROCEDURES.—

''(A) MAJOR INCIDENT.—Following a report of a breach or major incident by a contractor or awardee under paragraph (1), the agency, in consultation with the contractor or awardee, shall carry out the requirements under sections 3592, 3593, and 3594 with respect to the major incident.

''(B) INCIDENT.—Following a report of an incident by a contractor or awardee under paragraph (1), an agency, in consultation with the contractor or awardee, shall carry out the requirements under section 3594 with respect to the incident.

''(b) EFFECTIVE DATE.—This section shall apply on and after the date that is 1 year after the date of enactment of the Federal Information Security Modernization Act of 2021.

''§ 3596. Training

''(a) COVERED INDIVIDUAL DEFINED.—In this section, the term 'covered individual' means an individual who obtains access to Federal information or Federal information systems because of the status of the individual as an employee, contractor, awardee, volunteer, or intern of an agency.

''(b) REQUIREMENT.—The head of each agency shall develop training for covered individuals on how to identify and respond to an incident, including—

''(1) the internal process of the agency for reporting an incident; and

''(2) the obligation of a covered individual to report to the agency a confirmed major incident and any suspected incident involving information in any medium or form, including paper, oral, and electronic.

''(c) INCLUSION IN ANNUAL TRAINING.—The training developed under subsection (b) may be included as part of an annual privacy or security awareness training of an agency.

''§ 3597. Analysis and report on Federal incidents

''(a) ANALYSIS OF FEDERAL INCIDENTS.—

''(1) QUANTITATIVE AND QUALITATIVE ANALYSES.—The Director of the Cybersecurity and Infrastructure Security Agency shall develop, in consultation with the Director and the National Cyber Director, and perform continuous monitoring and quantitative and qualitative analyses of incidents at agencies, including major incidents, including—

''(A) the causes of incidents, including—

''(i) attacker tactics, techniques, and procedures; and

''(ii) system vulnerabilities, including zero days, unpatched systems, and information system misconfigurations;

''(B) the scope and scale of incidents at agencies;

''(C) cross Federal Government root causes of incidents at agencies;

''(D) agency incident response, recovery, and remediation actions and the effectiveness of those actions, as applicable;

''(E) lessons learned and recommendations in responding to, recovering from, remediating, and mitigating future incidents; and

''(F) trends in cross-Federal Government cybersecurity and incident response capabilities using the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

''(2) AUTOMATED ANALYSIS.—The analyses developed under paragraph (1) shall, to the greatest extent practicable, use machine readable data, automation, and machine learning processes.

''(3) SHARING OF DATA AND ANALYSIS.—

''(A) IN GENERAL.—The Director shall share on an ongoing basis the analyses required under this subsection with agencies and the National Cyber Director to—

''(i) improve the understanding of cybersecurity risk of agencies; and

''(ii) support the cybersecurity improvement efforts of agencies.

''(B) FORMAT.—In carrying out subparagraph (A), the Director shall share the analyses—

''(i) in human-readable written products; and

''(ii) to the greatest extent practicable, in machine-readable formats in order to enable automated intake and use by agencies.

''(b) ANNUAL REPORT ON FEDERAL INCIDENTS.—Not later than 2 years after the date of enactment of this section, and not less frequently than annually thereafter, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director and other Federal agencies as appropriate, shall submit to the appropriate notification entities a report that includes—

''(1) a summary of causes of incidents from across the Federal Government that categorizes those incidents as incidents or major incidents;

''(2) the quantitative and qualitative analyses of incidents developed under subsection (a)(1) on an agency-by-agency basis and comprehensively across the Federal Government, including—

''(A) a specific analysis of breaches; and

''(B) an analysis of the Federal Government's performance against the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)); and

''(3) an annex for each agency that includes—

''(A) a description of each major incident;

''(B) the total number of compromises of the agency; and

''(C) an analysis of the agency's performance against the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

''(c) PUBLICATION.—A version of each report submitted under subsection (b) shall be made publicly available on the website of the Cybersecurity and Infrastructure Security Agency during the year in which the report is submitted.

''(d) INFORMATION PROVIDED BY AGENCIES.—

''(1) IN GENERAL.—The analysis required under subsection (a) and each report submitted under subsection (b) shall use information provided by agencies under section 3594(a).

''(2) NONCOMPLIANCE REPORTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), during any year during which the head of an agency does not provide data for an incident to the Cybersecurity and Infrastructure Security Agency in accordance with section 3594(a), the head of the agency, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and the Director, shall submit to the appropriate reporting entities a report that includes—

''(i) data for the incident; and

''(ii) the information described in subsection (b) with respect to the agency.

''(B) EXCEPTION FOR NATIONAL SECURITY SYSTEMS.—The head of an agency that owns or exercises control of a national security system shall not include data for an incident that occurs on a national security system in any report submitted under subparagraph (A).

''(3) NATIONAL SECURITY SYSTEM REPORTS.—

''(A) IN GENERAL.—Annually, the head of an agency that operates or exercises control of a national security system shall submit a report that includes the information described in subsection (b) with respect to the agency to the extent that the submission is consistent with standards and guidelines for national security systems issued in accordance with law and as directed by the President to—

''(i) the majority and minority leaders of the Senate,

''(ii) the Speaker and minority leader of the House of Representatives;

''(iii) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(iv) the Select Committee on Intelligence of the Senate;

''(v) the Committee on Armed Services of the Senate;

''(vi) the Committee on Appropriations of the Senate;

''(vii) the Committee on Oversight and Reform of the House of Representatives;

''(viii) the Committee on Homeland Security of the House of Representatives;

''(ix) the Permanent Select Committee on Intelligence of the House of Representatives;

''(x) the Committee on Armed Services of the House of Representatives; and

''(xi) the Committee on Appropriations of the House of Representatives.

''(B) CLASSIFIED FORM.—A report required under subparagraph (A) may be submitted in a classified form.

''(e) REQUIREMENT FOR COMPILING INFORMATION.—In publishing the public report required under subsection (c), the Director of the Cybersecurity and Infrastructure Security Agency shall sufficiently compile information such that no specific incident of an agency can be identified, except with the concurrence of the Director of the Office of Management and Budget and in consultation with the impacted agency.

''§ 3598. Major incident definition

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Federal Information Security Modernization Act of 2021, the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, shall develop and promulgate guidance on the definition of the term 'major incident' for the purposes of subchapter II and this subchapter.

''(b) REQUIREMENTS.—With respect to the guidance issued under subsection (a), the definition of the term 'major incident' shall—

''(1) include, with respect to any information collected or maintained by or on behalf of an agency or an information system used or operated by an agency or by a contractor of an agency or another organization on behalf of an agency—

''(A) any incident the head of the agency determines is likely to have an impact on—

''(i) the national security, homeland security, or economic security of the United States; or

''(ii) the civil liberties or public health and safety of the people of the United States;

''(B) any incident the head of the agency determines likely to result in an inability for the agency, a component of the agency, or the Federal Government, to provide 1 or more critical services;

''(C) any incident that the head of an agency, in consultation with a senior privacy officer of the agency, determines is likely to have a significant privacy impact on 1 or more individual;

''(D) any incident that the head of the agency, in consultation with a senior privacy official of the agency, determines is likely to have a substantial privacy impact on a significant number of individuals;

''(E) any incident the head of the agency determines impacts the operations of a high value asset owned or operated by the agency;

''(F) any incident involving the exposure of sensitive agency information to a foreign entity, such as the communications of the head of the agency, the head of a component of the agency, or the direct reports of the head of the agency or the head of a component of the agency; and

''(G) any other type of incident determined appropriate by the Director;

''(2) stipulate that the National Cyber Director shall declare a major incident at each agency impacted by an incident if the Director of the Cybersecurity and Infrastructure Security Agency determines that an incident—

''(A) occurs at not less than 2 agencies; and

''(B) is enabled by—

''(i) a common technical root cause, such as a supply chain compromise, a common software or hardware vulnerability; or

''(ii) the related activities of a common threat actor; and

''(3) stipulate that, in determining whether an incident constitutes a major incident because that incident—

''(A) is any incident described in paragraph (1), the head of an agency shall consult with the Director of the Cybersecurity and Infrastructure Security Agency;

''(B) is an incident described in paragraph (1)(A), the head of the agency shall consult with the National Cyber Director; and

''(C) is an incident described in subparagraph (C) or (D) of paragraph (1), the head of the agency shall consult with—

''(i) the Privacy and Civil Liberties Oversight Board; and

''(ii) the Chair of the Federal Trade Commission.

''(c) SIGNIFICANT NUMBER OF INDIVIDUALS.—In determining what constitutes a significant number of individuals under subsection (b)(1)(D), the Director—

''(1) may determine a threshold for a minimum number of individuals that constitutes a significant amount; and

''(2) may not determine a threshold described in paragraph (1) that exceeds 5,000 individuals.

''(d) EVALUATION AND UPDATES.—Not later than 2 years after the date of enactment of the Federal Information Security Modernization Act of 2021, and not less frequently than every 2 years thereafter, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives an evaluation, which shall include—

''(1) an update, if necessary, to the guidance issued under subsection (a);

''(2) the definition of the term 'major incident' included in the guidance issued under subsection (a); and

''(3) an explanation of, and the analysis that led to, the definition described in paragraph (2).''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—FEDERAL SYSTEM INCIDENT RESPONSE

SEC. 5122. AMENDMENTS TO SUBTITLE III OF TITLE 40.

(a) MODERNIZING GOVERNMENT TECHNOLOGY.—Subtitle G of title X of Division A of the National Defense Authorization Act for Fiscal Year 2018 (40 U.S.C. 11301 note) is amended—

(1) in section 1077(b)—

(A) in paragraph (5)(A), by inserting ''improving the cybersecurity of systems and'' before ''cost savings activities''; and

(B) in paragraph (7)—

(i) in the paragraph heading, by striking ''CIO'' and inserting ''CIO'';

(ii) by striking ''In evaluating projects'' and inserting the following:

''(A) CONSIDERATION OF GUIDANCE.—In evaluating projects'';

(iii) in subparagraph (A), as so designated, by striking ''under section 1094(b)(1)'' and inserting ''by the Director''; and

(iv) by adding at the end the following:

''(B) CONSULTATION.—In using funds under paragraph (3)(A), the Chief Information Officer of the covered agency shall consult with the necessary stakeholders to ensure the project appropriately addresses cybersecurity risks, including the Director of the Cybersecurity and Infrastructure Security Agency, as appropriate.''; and

(2) in section 1078—

(A) by striking subsection (a) and inserting the following:

''(a) DEFINITIONS.—In this section:

''(1) AGENCY.—The term 'agency' has the meaning given the term in section 551 of title 5, United States Code.

''(2) HIGH VALUE ASSET.—The term 'high value asset' has the meaning given the term in section 3552 of title 44, United States Code.'';

(B) in subsection (b), by adding at the end the following:

''(8) PROPOSAL EVALUATION.—The Director shall—

''(A) give consideration for the use of amounts in the Fund to improve the security of high value assets; and

''(B) require that any proposal for the use of amounts in the Fund includes a cybersecurity plan, including a supply chain risk management plan, to be reviewed by the member of the Technology Modernization Board described in subsection (c)(5)(C).''; and

(C) in subsection (c)—

(i) in paragraph (2)(A)(i), by inserting '', including a consideration of the impact on high value assets'' after ''operational risks'';

(ii) in paragraph (5)—

(I) in subparagraph (A), by striking ''and'' at the end;

(II) in subparagraph (B), by striking the period at the end and inserting ''and''; and

(III) by adding at the end the following:

''(C) a senior official from the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, appointed by the Director.''; and

(iii) in paragraph (6)(A), by striking ''shall be—'' and all that follows through ''4 employees'' and inserting ''shall be 4 employees''.

(b) SUBCHAPTER I.—Subchapter I of subtitle III of title 40, United States Code, is amended—

(1) in section 11302—

(A) in subsection (b), by striking ''use, security, and disposal of'' and inserting ''use, and disposal of, and, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, promote and improve the security of,'';

(B) in subsection (c)—

(i) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking ''including data'' and inserting ''which shall—

''(i) include data'';

(bb) in clause (i), as so designated, by striking '', and performance'' and inserting ''security, and performance; and''; and

(cc) by adding at the end the following:

''(ii) specifically denote cybersecurity funding under the risk-based cyber budget model developed pursuant to section 3553(a)(7) of title 44.''; and

(II) in subparagraph (B), adding at the end the following:

''(iii) The Director shall provide to the National Cyber Director any cybersecurity funding information described in subparagraph (A)(ii) that is provided to the Director under clause (ii) of this subparagraph.''; and

(ii) in paragraph (4)(B), in the matter preceding clause (i), by inserting ''not later than 30 days after the date on which the review under subparagraph (A) is completed,'' before ''the Administrator'';

(C) in subsection (f)—

(i) by striking ''heads of executive agencies to develop'' and inserting ''heads of executive agencies to—

''(1) develop'';

(ii) in paragraph (1), as so designated, by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(2) consult with the Director of the Cybersecurity and Infrastructure Security Agency for the development and use of supply chain security best practices.''; and

(D) in subsection (h), by inserting '', including cybersecurity performances,'' after ''the performances''; and

(2) in section 11303(b)—

(A) in paragraph (2)(B)—

(i) in clause (i), by striking ''or'' at the end;

(ii) in clause (ii), by adding ''or'' at the end; and

(iii) by adding at the end the following:

''(iii) whether the function should be performed by a shared service offered by another executive agency;''; and

(B) in paragraph (5)(B)(i), by inserting '', while taking into account the risk-based cyber budget model developed pursuant to section 3553(a)(7) of title 44'' after ''title 31''.

(c) SUBCHAPTER II.—Subchapter II of subtitle III of title 40, United States Code, is amended—

(1) in section 11312(a), by inserting '', including security risks'' after ''managing the risks'';

(2) in section 11313(1), by striking ''efficiency and effectiveness'' and inserting ''efficiency, security, and effectiveness'';

(3) in section 11315, by adding at the end the following:

''(d) COMPONENT AGENCY CHIEF INFORMATION OFFICERS.—The Chief Information Officer or an equivalent official of a component agency shall report to—

''(1) the Chief Information Officer designated under section 3506(a)(2) of title 44 or an equivalent official of the agency of which the component agency is a component; and

''(2) the head of the component agency.'';

(4) in section 11317, by inserting ''security,'' before ''or schedule''; and

(5) in section 11319(b)(1), in the paragraph heading, by striking ''CIOS'' and inserting ''CHIEF INFORMATION OFFICERS''.

(d) SUBCHAPTER III.—Section 11331 of title 40, United States Code, is amended—

(1) in subsection (a), by striking ''section 3532(b)(1)'' and inserting ''section 3552(b)'';

(2) in subsection (b)(1)(A), by striking ''the Secretary of Homeland Security'' and inserting ''the Director of the Cybersecurity and Infrastructure Security Agency'';

(3) by striking subsection (c) and inserting the following:

''(c) APPLICATION OF MORE STRINGENT STANDARDS.—

''(1) IN GENERAL.—The head of an agency shall—

''(A) evaluate, in consultation with the senior agency information security officers, the need to employ standards for cost-effective, risk-based information security for all systems, operations, and assets within or under the supervision of the agency that are more stringent than the standards promulgated by the Director under this section, if such standards contain, at a minimum, the provisions of those applicable standards made compulsory and binding by the Director; and

''(B) to the greatest extent practicable and if the head of the agency determines that the standards described in subparagraph (A) are necessary, employ those standards.

''(2) EVALUATION OF MORE STRINGENT STANDARDS.—In evaluating the need to employ more stringent standards under paragraph (1), the head of an agency shall consider available risk information, such as—

''(A) the status of cybersecurity remedial actions of the agency;

''(B) any vulnerability information relating to agency systems that is known to the agency;

''(C) incident information of the agency;

''(D) information from—

''(i) penetration testing performed under section 3559A of title 44; and

''(ii) information from the vulnerability disclosure program established under section 3559B of title 44;

''(E) agency threat hunting results under section 5145 of the Federal Information Security Modernization Act of 2021;

''(F) Federal and non-Federal cyber threat intelligence;

''(G) data on compliance with standards issued under this section;

''(H) agency system risk assessments performed under section 3554(a)(1)(A) of title 44; and

''(I) any other information determined relevant by the head of the agency.'';

(4) in subsection (d)(2)—

(A) in the paragraph heading, by striking ''NOTICE AND COMMENT'' and inserting ''CONSULTATION, NOTICE, AND COMMENT'';

(B) by inserting ''promulgate,'' before ''significantly modify''; and

(C) by striking ''shall be made after the public is given an opportunity to comment on the Director's proposed decision.'' and inserting ''shall be made—

''(A) for a decision to significantly modify or not promulgate such a proposed standard, after the public is given an opportunity to comment on the Director's proposed decision;

''(B) in consultation with the Chief Information Officers Council, the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, the Comptroller General of the United States, and the Council of the Inspectors General on Integrity and Efficiency;

''(C) considering the Federal risk assessments performed under section 3553(i) of title 44; and

''(D) considering the extent to which the proposed standard reduces risk relative to the cost of implementation of the standard.''; and

(5) by adding at the end the following:

''(e) REVIEW OF OFFICE OF MANAGEMENT AND BUDGET GUIDANCE AND POLICY.—

''(1) CONDUCT OF REVIEW.—

''(A) IN GENERAL.—Not less frequently than once every 3 years, the Director of the Office of Management and Budget, in consultation with the Chief Information Officers Council, the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, the Comptroller General of the United States, and the Council of the Inspectors General on Integrity and Efficiency shall review the efficacy of the guidance and policy promulgated by the Director in reducing cybersecurity risks, including an assessment of the requirements for agencies to report information to the Director, and determine whether any changes to that guidance or policy is appropriate.

''(B) FEDERAL RISK ASSESSMENTS.—In conducting the review described in subparagraph (A), the Director shall consider the Federal risk assessments performed under section 3553(i) of title 44.

''(2) UPDATED GUIDANCE.—Not later than 90 days after the date on which a review is completed under paragraph (1), the Director of the Office of Management and Budget shall issue updated guidance or policy to agencies determined appropriate by the Director, based on the results of the review.

''(3) PUBLIC REPORT.—Not later than 30 days after the date on which a review is completed under paragraph (1), the Director of the Office of Management and Budget shall make publicly available a report that includes—

''(A) an overview of the guidance and policy promulgated under this section that is currently in effect;

''(B) the cybersecurity risk mitigation, or other cybersecurity benefit, offered by each guidance or policy document described in subparagraph (A); and

''(C) a summary of the guidance or policy to which changes were determined appropriate during the review and what the changes are anticipated to include.

''(4) CONGRESSIONAL BRIEFING.—Not later than 30 days after the date on which a review is completed under paragraph (1), the Director shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a briefing on the review.

''(f) AUTOMATED STANDARD IMPLEMENTATION VERIFICATION.—When the Director of the National Institute of Standards and Technology issues a proposed standard pursuant to paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)), the Director of the National Institute of Standards and Technology shall consider developing and, if appropriate and practical, develop, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, specifications to enable the automated verification of the implementation of the controls within the standard.''.

SEC. 5123. ACTIONS TO ENHANCE FEDERAL INCIDENT RESPONSE.

(a) RESPONSIBILITIES OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall—

(A) develop a plan for the development of the analysis required under section 3597(a) of title 44, United States Code, as added by this division, and the report required under subsection (b) of that section that includes—

(i) a description of any challenges the Director anticipates encountering; and

(ii) the use of automation and machine-readable formats for collecting, compiling, monitoring, and analyzing data; and

(B) provide to the appropriate congressional committees a briefing on the plan developed under subparagraph (A).

(2) BRIEFING.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall provide to the appropriate congressional committees a briefing on—

(A) the execution of the plan required under paragraph (1)(A); and

(B) the development of the report required under section 3597(b) of title 44, United States Code, as added by this division.

(b) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—

(1) FISMA.—Section 2 of the Federal Information Security Modernization Act of 2014 (44 U.S.C. 3554 note) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively.

(2) INCIDENT DATA SHARING.—

(A) IN GENERAL.—The Director shall develop guidance, to be updated not less frequently than once every 2 years, on the content, timeliness, and format of the information provided by agencies under section 3594(a) of title 44, United States Code, as added by this division.

(B) REQUIREMENTS.—The guidance developed under subparagraph (A) shall—

(i) prioritize the availability of data necessary to understand and analyze—

(I) the causes of incidents;

(II) the scope and scale of incidents within the environments and systems of an agency;

(III) a root cause analysis of incidents that—

(aa) are common across the Federal Government; or

(bb) have a Government-wide impact;

(IV) agency response, recovery, and remediation actions and the effectiveness of those actions; and

(V) the impact of incidents;

(ii) enable the efficient development of—

(I) lessons learned and recommendations in responding to, recovering from, remediating, and mitigating future incidents; and

(II) the report on Federal incidents required under section 3597(b) of title 44, United States Code, as added by this division;

(iii) include requirements for the timeliness of data production; and

(iv) include requirements for using automation and machine-readable data for data sharing and availability.

(3) GUIDANCE ON RESPONDING TO INFORMATION REQUESTS.—Not later than 1 year after the date of enactment of this Act, the Director shall develop guidance for agencies to implement the requirement under section 3594(c) of title 44, United States Code, as added by this division, to provide information to other agencies experiencing incidents.

(4) STANDARD GUIDANCE AND TEMPLATES.—Not later than 1 year after the date of enactment of this Act, the Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, shall develop guidance and templates, to be reviewed and, if necessary, updated not less frequently than once every 2 years, for use by Federal agencies in the activities required under sections 3592, 3593, and 3596 of title 44, United States Code, as added by this division.

(5) CONTRACTOR AND AWARDEE GUIDANCE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the Secretary of Homeland Security, the Secretary of Defense, the Administrator of General Services, and the heads of other agencies determined appropriate by the Director, shall issue guidance to Federal agencies on how to deconflict, to the greatest extent practicable, existing regulations, policies, and procedures relating to the responsibilities of contractors and awardees established under section 3595 of title 44, United States Code, as added by this division.

(B) EXISTING PROCESSES.—To the greatest extent practicable, the guidance issued under subparagraph (A) shall allow contractors and awardees to use existing processes for notifying Federal agencies of incidents involving information of the Federal Government.

(6) UPDATED BRIEFINGS.—Not less frequently than once every 2 years, the Director shall provide to the appropriate congressional committees an update on the guidance and templates developed under paragraphs (2) through (4).

(c) UPDATE TO THE PRIVACY ACT OF 1974.—Section 552a(b) of title 5, United States Code (commonly known as the ''Privacy Act of 1974'') is amended—

(1) in paragraph (11), by striking ''or'' at the end;

(2) in paragraph (12), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(13) to another agency in furtherance of a response to an incident (as defined in section 3552 of title 44) and pursuant to the information sharing requirements in section 3594 of title 44 if the head of the requesting agency has made a written request to the agency that maintains the record specifying the particular portion desired and the activity for which the record is sought.''.

SEC. 5124. ADDITIONAL GUIDANCE TO AGENCIES ON FISMA UPDATES.

Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall issue guidance for agencies on—

(1) performing the ongoing and continuous agency system risk assessment required under section 3554(a)(1)(A) of title 44, United States Code, as amended by this division;

(2) implementing additional cybersecurity procedures, which shall include resources for shared services;

(3) establishing a process for providing the status of each remedial action under section 3554(b)(7) of title 44, United States Code, as amended by this division, to the Director and the Cybersecurity and Infrastructure Security Agency using automation and machine-readable data, as practicable, which shall include—

(A) specific guidance for the use of automation and machine-readable data; and

(B) templates for providing the status of the remedial action;

(4) interpreting the definition of ''high value asset'' under section 3552 of title 44, United States Code, as amended by this division; and

(5) a requirement to coordinate with inspectors general of agencies to ensure consistent understanding and application of agency policies for the purpose of evaluations by inspectors general.

SEC. 5125. AGENCY REQUIREMENTS TO NOTIFY PRIVATE SECTOR ENTITIES IMPACTED BY INCIDENTS.

(a) DEFINITIONS.—In this section:

(1) REPORTING ENTITY.—The term ''reporting entity'' means private organization or governmental unit that is required by statute or regulation to submit sensitive information to an agency.

(2) SENSITIVE INFORMATION.—The term ''sensitive information'' has the meaning given the term by the Director in guidance issued under subsection (b).

(b) GUIDANCE ON NOTIFICATION OF REPORTING ENTITIES.—Not later than 180 days after the date of enactment of this Act, the Director shall issue guidance requiring the head of each agency to notify a reporting entity of an incident that is likely to substantially affect—

(1) the confidentiality or integrity of sensitive information submitted by the reporting entity to the agency pursuant to a statutory or regulatory requirement; or

(2) the agency information system or systems used in the transmission or storage of the sensitive information described in paragraph (1).

TITLE LII—IMPROVING FEDERAL CYBERSECURITY

SEC. 5141. MOBILE SECURITY STANDARDS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall—

(1) evaluate mobile application security guidance promulgated by the Director; and

(2) issue guidance to secure mobile devices, including for mobile applications, for every agency.

(b) CONTENTS.—The guidance issued under subsection (a)(2) shall include—

(1) a requirement, pursuant to section 3506(b)(4) of title 44, United States Code, for every agency to maintain a continuous inventory of every—

(A) mobile device operated by or on behalf of the agency; and

(B) vulnerability identified by the agency associated with a mobile device; and

(2) a requirement for every agency to perform continuous evaluation of the vulnerabilities described in paragraph (1)(B) and other risks associated with the use of applications on mobile devices.

(c) INFORMATION SHARING.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall issue guidance to agencies for sharing the inventory of the agency required under subsection (b)(1) with the Director of the Cybersecurity and Infrastructure Security Agency, using automation and machine-readable data to the greatest extent practicable.

(d) BRIEFING.—Not later than 60 days after the date on which the Director issues guidance under subsection (a)(2), the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall provide to the appropriate congressional committees a briefing on the guidance.

SEC. 5142. DATA AND LOGGING RETENTION FOR INCIDENT RESPONSE.

(a) RECOMMENDATIONS.—Not later than 2 years after the date of enactment of this Act, and not less frequently than every 2 years thereafter, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Attorney General, shall submit to the Director recommendations on requirements for logging events on agency systems and retaining other relevant data within the systems and networks of an agency.

(b) CONTENTS.—The recommendations provided under subsection (a) shall include—

(1) the types of logs to be maintained;

(2) the time periods to retain the logs and other relevant data;

(3) the time periods for agencies to enable recommended logging and security requirements;

(4) how to ensure the confidentiality, integrity, and availability of logs;

(5) requirements to ensure that, upon request, in a manner that excludes or otherwise reasonably protects personally identifiable information, and to the extent permitted by applicable law (including privacy and statistical laws), agencies provide logs to—

(A) the Director of the Cybersecurity and Infrastructure Security Agency for a cybersecurity purpose; and

(B) the Federal Bureau of Investigation to investigate potential criminal activity; and

(6) requirements to ensure that, subject to compliance with statistical laws and other relevant data protection requirements, the highest level security operations center of each agency has visibility into all agency logs.

(c) GUIDANCE.—Not later than 90 days after receiving the recommendations submitted under subsection (a), the Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the Attorney General, shall, as determined to be appropriate by the Director, update guidance to agencies regarding requirements for logging, log retention, log management, sharing of log data with other appropriate agencies, or any other logging activity determined to be appropriate by the Director.

SEC. 5143. CISA AGENCY ADVISORS.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall assign not less than 1 cybersecurity professional employed by the Cybersecurity and Infrastructure Security Agency to be the Cybersecurity and Infrastructure Security Agency advisor to the senior agency information security officer of each agency.

(b) QUALIFICATIONS.—Each advisor assigned under subsection (a) shall have knowledge of—

(1) cybersecurity threats facing agencies, including any specific threats to the assigned agency;

(2) performing risk assessments of agency systems; and

(3) other Federal cybersecurity initiatives.

(c) DUTIES.—The duties of each advisor assigned under subsection (a) shall include—

(1) providing ongoing assistance and advice, as requested, to the agency Chief Information Officer;

(2) serving as an incident response point of contact between the assigned agency and the Cybersecurity and Infrastructure Security Agency; and

(3) familiarizing themselves with agency systems, processes, and procedures to better facilitate support to the agency in responding to incidents.

(d) LIMITATION.—An advisor assigned under subsection (a) shall not be a contractor.

(e) MULTIPLE ASSIGNMENTS.—One individual advisor may be assigned to multiple agency Chief Information Officers under subsection (a).

SEC. 5144. FEDERAL PENETRATION TESTING POLICY.

(a) IN GENERAL.—Subchapter II of chapter 35 of title 44, United States Code, is amended by adding at the end the following:

"§ 3559A. Federal penetration testing

''(a) DEFINITIONS.—In this section:

''(1) AGENCY OPERATIONAL PLAN.—The term 'agency operational plan' means a plan of an agency for the use of penetration testing.

''(2) RULES OF ENGAGEMENT.—The term 'rules of engagement' means a set of rules established by an agency for the use of penetration testing.

''(b) GUIDANCE.—

''(1) IN GENERAL.—The Director shall issue guidance that—

''(A) requires agencies to use, when and where appropriate, penetration testing on agency systems; and

''(B) requires agencies to develop an agency operational plan and rules of engagement that meet the requirements under subsection (c).

''(2) PENETRATION TESTING GUIDANCE.—The guidance issued under this section shall—

''(A) permit an agency to use, for the purpose of performing penetration testing—

''(i) a shared service of the agency or another agency; or

''(ii) an external entity, such as a vendor; and

''(B) require agencies to provide the rules of engagement and results of penetration testing to the Director and the Director of the Cybersecurity and Infrastructure Security Agency, without regard to the status of the entity that performs the penetration testing.

''(c) AGENCY PLANS AND RULES OF ENGAGEMENT.—The agency operational plan and rules of engagement of an agency shall—

''(1) require the agency to—

''(A) perform penetration testing on the high value assets of the agency; or

''(B) coordinate with the Director of the Cybersecurity and Infrastructure Security Agency to ensure that penetration testing is being performed;

''(2) establish guidelines for avoiding, as a result of penetration testing—

''(A) adverse impacts to the operations of the agency;

''(B) adverse impacts to operational environments and systems of the agency; and

''(C) inappropriate access to data;

''(3) require the results of penetration testing to include feedback to improve the cybersecurity of the agency; and

''(4) include mechanisms for providing consistently formatted, and, if applicable, automated and machine-readable, data to the Director and the Director of the Cybersecurity and Infrastructure Security Agency.

''(d) RESPONSIBILITIES OF CISA.—The Director of the Cybersecurity and Infrastructure Security Agency shall—

''(1) establish a process to assess the performance of penetration testing by both Federal and non-Federal entities that establishes minimum quality controls for penetration testing;

''(2) develop operational guidance for instituting penetration testing programs at agencies;

''(3) develop and maintain a centralized capability to offer penetration testing as a service to Federal and non-Federal entities; and

''(4) provide guidance to agencies on the best use of penetration testing resources.

''(e) RESPONSIBILITIES OF OMB.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall—

''(1) not less frequently than annually, inventory all Federal penetration testing assets; and

''(2) develop and maintain a standardized process for the use of penetration testing.

''(f) PRIORITIZATION OF PENETRATION TESTING RESOURCES.—

''(1) IN GENERAL.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall develop a framework for prioritizing Federal penetration testing resources among agencies.

''(2) CONSIDERATIONS.—In developing the framework under this subsection, the Director shall consider—

''(A) agency system risk assessments performed under section 3554(a)(1)(A);

''(B) the Federal risk assessment performed under section 3553(i);

''(C) the analysis of Federal incident data performed under section 3597; and

''(D) any other information determined appropriate by the Director or the Director of the Cybersecurity and Infrastructure Security Agency.

''(g) EXCEPTION FOR NATIONAL SECURITY SYSTEMS.—The guidance issued under subsection (b) shall not apply to national security systems.

''(h) DELEGATION OF AUTHORITY FOR CERTAIN SYSTEMS.—The authorities of the Director described in subsection (b) shall be delegated—

''(1) to the Secretary of Defense in the case of systems described in section 3553(e)(2); and

''(2) to the Director of National Intelligence in the case of systems described in 3553(e)(3).''.

(b) DEADLINE FOR GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Director shall issue the guidance required under section 3559A(b) of title 44, United States Code, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding after the item relating to section 3559 the following:

''3559A. Federal penetration testing.''.

(d) PENETRATION TESTING BY THE SECRETARY OF HOMELAND SECURITY.—Section 3553(b) of title 44, United States Code, as amended by section 5121, is further amended—

(1) in paragraph (8)(B), by striking ''and'' at the end;

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

''(9) performing penetration testing with or without advance notice to, or authorization from, agencies, to identify vulnerabilities within Federal information systems; and''.

SEC. 5145. ONGOING THREAT HUNTING PROGRAM.

(a) THREAT HUNTING PROGRAM.—

(1) IN GENERAL.—Not later than 540 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall establish a program to provide ongoing, hypothesis-driven threat-hunting services on the network of each agency.

(2) PLAN.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall develop a plan to establish the program required under paragraph (1) that describes how the Director of the Cybersecurity and Infrastructure Security Agency plans to—

(A) determine the method for collecting, storing, accessing, and analyzing appropriate agency data;

(B) provide on-premises support to agencies;

(C) staff threat hunting services;

(D) allocate available human and financial resources to implement the plan; and

(E) provide input to the heads of agencies on the use of—

(i) more stringent standards under section 11331(c)(1) of title 40, United States Code; and

(ii) additional cybersecurity procedures under section 3554 of title 44, United States Code.

(b) REPORTS.—The Director of the Cybersecurity and Infrastructure Security Agency shall submit to the appropriate congressional committees—

(1) not later than 30 days after the date on which the Director of the Cybersecurity and Infrastructure Security Agency completes the plan required under subsection (a)(2), a report on the plan to provide threat hunting services to agencies;

(2) not less than 30 days before the date on which the Director of the Cybersecurity and Infrastructure Security Agency begins providing threat hunting services under the program under subsection (a)(1), a report providing any updates to the plan developed under subsection (a)(2); and

(3) not later than 1 year after the date on which the Director of the Cybersecurity and Infrastructure Security Agency begins providing threat hunting services to agencies other than the Cybersecurity and Infrastructure Security Agency, a report describing lessons learned from providing those services.

SEC. 5146. CODIFYING VULNERABILITY DISCLOSURE PROGRAMS.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by inserting after section 3559A, as added by section 5144 of this division, the following:

"§ 3559B. Federal vulnerability disclosure programs

''(a) DEFINITIONS.—In this section:

''(1) REPORT.—The term 'report' means a vulnerability disclosure made to an agency by a reporter.

''(2) REPORTER.—The term 'reporter' means an individual that submits a vulnerability report pursuant to the vulnerability disclosure process of an agency.

''(b) RESPONSIBILITIES OF OMB.—

''(1) LIMITATION ON LEGAL ACTION.—The Director, in consultation with the Attorney General, shall issue guidance to agencies to not recommend or pursue legal action against a reporter or an individual that conducts a security research activity that the head of the agency determines—

''(A) represents a good faith effort to follow the vulnerability disclosure policy of the agency developed under subsection (d)(2); and

''(B) is authorized under the vulnerability disclosure policy of the agency developed under subsection (d)(2).

''(2) SHARING INFORMATION WITH CISA.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and in consultation with the National Cyber Director, shall issue guidance to agencies on sharing relevant information in a consistent, automated, and machine readable manner with the Cybersecurity and Infrastructure Security Agency, including—

''(A) any valid or credible reports of newly discovered or not publicly known vulnerabilities (including misconfigurations) on Federal information systems that use commercial software or services;

''(B) information relating to vulnerability disclosure, coordination, or remediation activities of an agency, particularly as those activities relate to outside organizations—

''(i) with which the head of the agency believes the Director of the Cybersecurity and Infrastructure Security Agency can assist; or

''(ii) about which the head of the agency believes the Director of the Cybersecurity and Infrastructure Security Agency should know; and

''(C) any other information with respect to which the head of the agency determines helpful or necessary to involve the Cybersecurity and Infrastructure Security Agency.

''(3) AGENCY VULNERABILITY DISCLOSURE POLICIES.—The Director shall issue guidance to agencies on the required minimum scope of agency systems covered by the vulnerability disclosure policy of an agency required under subsection (d)(2).

''(c) RESPONSIBILITIES OF CISA.—The Director of the Cybersecurity and Infrastructure Security Agency shall—

''(1) provide support to agencies with respect to the implementation of the requirements of this section;

''(2) develop tools, processes, and other mechanisms determined appropriate to offer agencies capabilities to implement the requirements of this section; and

''(3) upon a request by an agency, assist the agency in the disclosure to vendors of newly identified vulnerabilities in vendor products and services.

''(d) RESPONSIBILITIES OF AGENCIES.—

''(1) PUBLIC INFORMATION.—The head of each agency shall make publicly available, with respect to each internet domain under the control of the agency that is not a national security system—

''(A) an appropriate security contact; and

''(B) the component of the agency that is responsible for the internet accessible services offered at the domain.

''(2) VULNERABILITY DISCLOSURE POLICY.—The head of each agency shall develop and make publicly available a vulnerability disclosure policy for the agency, which shall—

''(A) describe—

''(i) the scope of the systems of the agency included in the vulnerability disclosure policy;

''(ii) the type of information system testing that is authorized by the agency;

''(iii) the type of information system testing that is not authorized by the agency; and

''(iv) the disclosure policy of the agency for sensitive information;

''(B) with respect to a report to an agency, describe—

''(i) how the reporter should submit the report; and

''(ii) if the report is not anonymous, when the reporter should anticipate an acknowledgment of receipt of the report by the agency;

''(C) include any other relevant information; and

''(D) be mature in scope, to cover all Federal information systems used or operated by that agency or on behalf of that agency.

''(3) IDENTIFIED VULNERABILITIES.—The head of each agency shall incorporate any vulnerabilities reported under paragraph (2) into the vulnerability management process of the agency in order to track and remediate the vulnerability.

''(e) PAPERWORK REDUCTION ACT EXEMPTION.—The requirements of subchapter I (commonly known as the 'Paperwork Reduction Act') shall not apply to a vulnerability disclosure program established under this section.

''(f) CONGRESSIONAL REPORTING.—Not later than 90 days after the date of enactment of the Federal Information Security Modernization Act of 2021, and annually thereafter for a 3-year period, the Director shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a briefing on the status of the use of vulnerability disclosure policies under this section at agencies, including, with respect to the guidance issued under subsection (b)(3), an identification of the agencies that are compliant and not compliant.

''(g) EXEMPTIONS.—The authorities and functions of the Director and Director of the Cybersecurity and Infrastructure Security Agency under this section shall not apply to national security systems.

''(h) DELEGATION OF AUTHORITY FOR CERTAIN SYSTEMS.—The authorities of the Director and the Director of the Cybersecurity and Infrastructure Security Agency described in this section shall be delegated—

''(1) to the Secretary of Defense in the case of systems described in section 3553(e)(2); and

''(2) to the Director of National Intelligence in the case of systems described in section 3553(e)(3).''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding after the item relating to section 3559A, as added by section 204, the following:

''3559B. Federal vulnerability disclosure programs.''.

SEC. 5147. IMPLEMENTING PRESUMPTION OF COMPROMISE AND LEAST PRIVILEGE PRINCIPLES.

(a) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Director shall provide an update to the appropriate congressional committees on progress in increasing the internal defenses of agency systems, including—

(1) shifting away from ''trusted networks'' to implement security controls based on a presumption of compromise;

(2) implementing principles of least privilege in administering information security programs;

(3) limiting the ability of entities that cause incidents to move laterally through or between agency systems;

(4) identifying incidents quickly;

(5) isolating and removing unauthorized entities from agency systems quickly;

(6) otherwise increasing the resource costs for entities that cause incidents to be successful; and

(7) a summary of the agency progress reports required under subsection (b).

(b) AGENCY PROGRESS REPORTS.—Not later than 1 year after the date of enactment of this Act, the head of each agency shall submit to the Director a progress report on implementing an information security program based on the presumption of compromise and least privilege principles, which shall include—

(1) a description of any steps the agency has completed, including progress toward achieving requirements issued by the Director;

(2) an identification of activities that have not yet been completed and that would have the most immediate security impact; and

(3) a schedule to implement any planned activities.

SEC. 5148. AUTOMATION REPORTS.

(a) OMB REPORT.—Not later than 180 days after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report on the use of automation under paragraphs (1), (5)(C) and (8)(B) of section 3554(b) of title 44, United States Code.

(b) GAO REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall perform a study on the use of automation and machine readable data across the Federal Government for cybersecurity purposes, including the automated updating of cybersecurity tools, sensors, or processes by agencies.

SEC. 5149. EXTENSION OF FEDERAL ACQUISITION SECURITY COUNCIL.

Section 1328 of title 41, United States Code, is amended by striking ''the date that'' and all that follows and inserting ''December 31, 2026.''.

SEC. 5150. COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY DASHBOARD.

(a) DASHBOARD REQUIRED.—Section 11(e)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) that shall include a dashboard of open information security recommendations identified in the independent evaluations required by section 3555(a) of title 44, United States Code; and''.

SEC. 5151. QUANTITATIVE CYBERSECURITY METRICS.

(a) DEFINITION OF COVERED METRICS.—In this section, the term ''covered metrics'' means the metrics established, reviewed, and updated under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

(b) UPDATING AND ESTABLISHING METRICS.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency, in coordination with the Director, shall—

(1) evaluate any covered metrics established as of the date of enactment of this Act; and

(2) as appropriate and pursuant to section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c))—

(A) update the covered metrics; and

(B) establish new covered metrics.

(c) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 540 days after the date of enactment of this Act, the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall promulgate guidance that requires each agency to use covered metrics to track trends in the cybersecurity and incident response capabilities of the agency.

(2) PERFORMANCE DEMONSTRATION.—The guidance issued under paragraph (1) and any subsequent guidance shall require agencies to share with the Director of the Cybersecurity and Infrastructure Security Agency data demonstrating the performance of the agency using the covered metrics included in the guidance.

(3) PENETRATION TESTS.—On not less than 2 occasions during the 2-year period following

the date on which guidance is promulgated under paragraph (1), the Director shall ensure that not less than 3 agencies are subjected to substantially similar penetration tests, as determined by the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, in order to validate the utility of the covered metrics.

(4) ANALYSIS CAPACITY.—The Director of the Cybersecurity and Infrastructure Security Agency shall develop a capability that allows for the analysis of the covered metrics, including cross-agency performance of agency cybersecurity and incident response capability trends.

(d) CONGRESSIONAL REPORTS.—

(1) UTILITY OF METRICS.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall submit to the appropriate congressional committees a report on the utility of the covered metrics.

(2) USE OF METRICS.—Not later than 180 days after the date on which the Director promulgates guidance under subsection (c)(1), the Director shall submit to the appropriate congressional committees a report on the results of the use of the covered metrics by agencies.

(e) CYBERSECURITY ACT OF 2015 UPDATES.—Section 224 of the Cybersecurity Act of 2015 (6 U.S.C. 1522) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) IMPROVED METRICS.—

''(1) IN GENERAL.—The Director of the Cybersecurity and Infrastructure Security Agency, in coordination with the Director, shall establish, review, and update metrics to measure the cybersecurity and incident response capabilities of agencies in accordance with the responsibilities of agencies under section 3554 of title 44, United States Code.

''(2) QUALITIES.—With respect to the metrics established, reviewed, and updated under paragraph (1)—

''(A) not less than 2 of the metrics shall be time-based, such as a metric of—

''(i) the amount of time it takes for an agency to detect an incident; and

''(ii) the amount of time that passes between—

''(I) the detection of an incident and the remediation of the incident; and

''(II) the remediation of an incident and the recovery from the incident; and

''(B) the metrics may include other measurable outcomes.'';

(2) by striking subsection (e); and

(3) by redesignating subsection (f) as subsection (e).

TITLE LIII—RISK-BASED BUDGET MODEL

SEC. 5161. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives.

(2) COVERED AGENCY.—The term ''covered agency'' has the meaning given the term ''executive agency'' in section 133 of title 41, United States Code.

(3) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(4) INFORMATION TECHNOLOGY.—The term ''information technology''—

(A) has the meaning given the term in section 11101 of title 40, United States Code; and

(B) includes the hardware and software systems of a Federal agency that monitor and control physical equipment and processes of the Federal agency.

(5) RISK-BASED BUDGET.—The term ''risk-based budget'' means a budget—

(A) developed by identifying and prioritizing cybersecurity risks and vulnerabilities, including impact on agency operations in the case of a cyber attack, through analysis of cyber threat intelligence, incident data, and tactics, techniques, procedures, and capabilities of cyber threats; and

(B) that allocates resources based on the risks identified and prioritized under subparagraph (A).

SEC. 5162. ESTABLISHMENT OF RISK-BASED BUDGET MODEL.

(a) IN GENERAL.—

(1) MODEL.—Not later than 1 year after the first publication of the budget submitted by the President under section 1105 of title 31, United States Code, following the date of enactment of this Act, the Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director and in coordination with the Director of the National Institute of Standards and Technology, shall develop a standard model for creating a risk-based budget for cybersecurity spending.

(2) RESPONSIBILITY OF DIRECTOR.—Section 3553(a) of title 44, United States Code, as amended by section 5121 of this division, is further amended by inserting after paragraph (6) the following:

''(7) developing a standard risk-based budget model to inform Federal agency cybersecurity budget development; and''.

(3) CONTENTS OF MODEL.—The model required to be developed under paragraph (1) shall—

(A) consider Federal and non-Federal cyber threat intelligence products, where available, to identify threats, vulnerabilities, and risks;

(B) consider the impact of agency operations of compromise of systems, including the interconnectivity to other agency systems and the operations of other agencies;

(C) indicate where resources should be allocated to have the greatest impact on mitigating current and future threats and current and future cybersecurity capabilities;

(D) be used to inform acquisition and sustainment of—

(i) information technology and cybersecurity tools;

(ii) information technology and cybersecurity architectures;

(iii) information technology and cybersecurity personnel; and

(iv) cybersecurity and information technology concepts of operations; and

(E) be used to evaluate and inform Government-wide cybersecurity programs of the Department of Homeland Security.

(4) REQUIRED UPDATES.—Not less frequently than once every 3 years, the Director shall review, and update as necessary, the model required to be developed under this subsection.

(5) PUBLICATION.—The Director shall publish the model required to be developed under this subsection, and any updates necessary under paragraph (4), on the public website of the Office of Management and Budget.

(6) REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for each of the 2 following fiscal years or until the date on which the model required to be developed under this subsection is completed, whichever is sooner, the Director shall submit a report to Congress on the development of the model.

(b) REQUIRED USE OF RISK-BASED BUDGET MODEL.—

(1) IN GENERAL.—Not later than 2 years after the date on which the model developed under subsection (a) is published, the head of each covered agency shall use the model to develop the annual cybersecurity and information technology budget requests of the agency.

(2) AGENCY PERFORMANCE PLANS.—Section 3554(d)(2) of title 44, United States Code, is amended by inserting ''and the risk-based budget model required under section 3553(a)(7)'' after ''paragraph (1)''.

(c) VERIFICATION.—

(1) IN GENERAL.—Section 1105(a)(35)(A)(i) of title 31, United States Code, is amended—

(A) in the matter preceding subclause (I), by striking ''by agency, and by initiative area (as determined by the administration)'' and inserting ''and by agency'';

(B) in subclause (III), by striking ''and'' at the end; and

(C) by adding at the end the following:

''(V) a validation that the budgets submitted were developed using a risk-based methodology; and

''(VI) a report on the progress of each agency on closing recommendations identified under the independent evaluation required by section 3555(a)(1) of title 44.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is 2 years after the date on which the model developed under subsection (a) is published.

(d) REPORTS.—

(1) INDEPENDENT EVALUATION.—Section 3555(a)(2) of title 44, United States Code, is amended—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) an assessment of how the agency implemented the risk-based budget model required under section 3553(a)(7) and an evaluation of whether the model mitigates agency cyber vulnerabilities.''.

(2) ASSESSMENT.—Section 3553(c) of title 44, United States Code, as amended by section 5121, is further amended by inserting after paragraph (5) the following:

''(6) an assessment of—

''(A) Federal agency implementation of the model required under subsection (a)(7);

''(B) how cyber vulnerabilities of Federal agencies changed from the previous year; and

''(C) whether the model mitigates the cyber vulnerabilities of the Federal Government.''.

(e) GAO REPORT.—Not later than 3 years after the date on which the first budget of the President is submitted to Congress containing the validation required under section 1105(a)(35)(A)(i)(V) of title 31, United States Code, as amended by subsection (c), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that includes—

(1) an evaluation of the success of covered agencies in developing risk-based budgets;

(2) an evaluation of the success of covered agencies in implementing risk-based budgets;

(3) an evaluation of whether the risk-based budgets developed by covered agencies mitigate cyber vulnerability, including the extent to which the risk-based budgets inform Federal Government-wide cybersecurity programs; and

(4) any other information relating to risk-based budgets the Comptroller General determines appropriate.

TITLE LIV—PILOT PROGRAMS TO ENHANCE FEDERAL CYBERSECURITY

SEC. 5181. ACTIVE CYBER DEFENSIVE STUDY.

(a) DEFINITION.—In this section, the term ''active defense technique''—

(1) means an action taken on the systems of an entity to increase the security of information on the network of an agency by misleading an adversary; and

(2) includes a honeypot, deception, or purposefully feeding false or misleading data to an adversary when the adversary is on the systems of the entity.

(b) STUDY.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency, in coordination with the Director, shall perform a study on the use of active defense techniques to enhance the security of agencies, which shall include—

(1) a review of legal restrictions on the use of different active cyber defense techniques in Federal environments, in consultation with the Department of Justice;

(2) an evaluation of—

(A) the efficacy of a selection of active defense techniques determined by the Director of the Cybersecurity and Infrastructure Security Agency; and

(B) factors that impact the efficacy of the active defense techniques evaluated under subparagraph (A);

(3) recommendations on safeguards and procedures that shall be established to require that active defense techniques are adequately coordinated to ensure that active defense techniques do not impede threat response efforts, criminal investigations, and national security activities, including intelligence collection; and

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SA 4765. Mr. HAGERTY (for himself, Mr. KING, and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 2___. COVERED PROJECTS UNDER TITLE XLI OF THE FAST ACT.

Section 41001 of the FAST Act (42 U.S.C. 4370m) is amended—

(1) in paragraph (6)(A)—

(A) in the matter preceding clause (i), by inserting ''key technology focus areas impacting national security,'' after ''broadband,'';

(B) in clause (iii)(III), by striking ''or'' at the end;

(C) in clause (iv)(II), by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(v)(I) is of substantial national importance and complexity, as determined by the Executive Director; and

''(II)(aa) is subject to NEPA;

''(bb) requires the preparation of an environmental document; or

''(cc) requires an authorization or environmental review that involves 2 or more agencies.'';

(2) by redesignating paragraphs (15) through (18) as paragraphs (16) through (19), respectively; and

(3) by inserting after paragraph (14) the following:

''(15) KEY TECHNOLOGY FOCUS AREA IMPACTING NATIONAL SECURITY.—The term 'key technology focus area impacting national security' means an area involving—

''(A) semiconductors;

''(B) artificial intelligence, machine learning, autonomy, and related advances;

''(C) high performance computing and advanced computer hardware and software;

''(D) quantum information science and technology;

''(E) robotics, automation, and advanced manufacturing;

''(F) natural and anthropogenic disaster prevention or mitigation;

''(G) advanced communications technology and immersive technology;

''(H) biotechnology, medical technology, genomics, and synthetic biology;

''(I) data storage, data management, distributed ledger technologies, and cybersecurity, including biometrics;

''(J) advanced energy and industrial efficiency technologies, such as batteries and advanced nuclear technologies, including but not limited to for the purposes of electric generation (consistent with section 15 of the National Science Foundation Act of 1950 (42 U.S.C. 1874)); and

''(K) advanced materials science, including composites and 2D materials.''.

SA 4766. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1064. GUIDANCE ON FOREIGN TRANSPORTATION NETWORK COMPANIES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State and the Director of National Intelligence, shall assess the security vulnerabilities associated with the use members of the Armed Forces and Department of Defense civilian personnel of foreign transportation network companies and provide guidance on the appropriate use of such companies. The assessment shall include a review of the data privacy and national security risks inherent to third-party transportation operators with ties to foreign government agencies that provide transportation services to members of the Armed Forces, including the exposure of trip and route details and personally identifiable information.

SA 4767. Ms. DUCKWORTH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _. CHILD CARE RESOURCE GUIDE.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 49 as section 50; and

(2) by inserting after section 48 the following new section:

''SEC. 49. CHILD CARE RESOURCE GUIDE.

''(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this section and not less frequently than every 5 years thereafter, the Administrator shall publish or update a resource guide, applicable to various business models as determined by the Administrator, for small business concerns operating as child care providers.

''(b) GUIDANCE ON SMALL BUSINESS CONCERN MATTERS.—The resource guide required under subsection (a) shall include guidance for such small business concerns related to—

''(1) operations (including marketing and management planning);

''(2) finances (including financial planning, financing, payroll, and insurance);

''(3) compliance with relevant laws (including the Internal Revenue Code of 1986 and this Act);

''(4) training and safety (including equipment and materials);

''(5) quality (including eligibility for funding under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.) as an eligible child care provider); and

''(6) any other matters the Administrator determines appropriate.

''(c) CONSULTATION REQUIRED.—Before publication or update of the resource guide required under subsection (a), the Administrator shall consult with the following:

''(1) The Secretary of Health and Human Services.

''(2) Representatives from lead agencies designated under section 658D of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858b).

''(3) Representatives from local or regional child care resource and referral organizations described in section 658E(c)(3)(B)(iii)(I) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(3)(B)(iii)(I)).

''(4) Any other relevant entities as determined by the Administrator.

''(d) PUBLICATION AND DISSEMINATION REQUIRED.—

''(1) PUBLICATION.—The Administrator shall publish the resource guide required under subsection (a) in English and in the 10 most commonly spoken languages, other than English, in the United States, which shall include Mandarin, Cantonese, Japanese, and Korean. The Administrator shall make each translation of the resource guide available on a publicly accessible website of the Administration.

''(2) DISTRIBUTION.—

''(A) ADMINISTRATOR.—The Administrator shall distribute the resource guide required under subsection (a) to offices within the Administration, including district offices, and to the persons consulted under subsection (c).

''(B) OTHER ENTITIES.—Women's business centers (as described under section 29), small business development centers, chapters of the Service Corps of Retired Executives (established under section 8(b)(1)(B)), and Veteran Business Outreach Centers (as described under section 32) shall distribute to small business concerns operating as child care providers, sole proprietors operating as child care providers, and child care providers that have limited administrative capacity, as determined by the Administrator—

''(i) the resource guide required under subsection (a); and

''(ii) other resources available that the Administrator determines to be relevant.''.

SA 4768. Mr. CRAMER (for himself, Ms. HIRONO, Mr. WICKER, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 376. INCREASE IN FUNDING FOR PROCUREMENT AND CERTAIN OPERATION AND MAINTENANCE ACCOUNTS.

(a) ADDITIONAL FUNDING.—

(1) PROCUREMENT.—The amount authorized to be appropriated for fiscal year 2022 by section 101 for procurement is hereby increased by $10,000,000.

(2) OPERATION AND MAINTENANCE.—The amount authorized to be appropriated for fiscal year 2022 by section 301 for operation and maintenance is hereby increased by $40,000,000.

(b) OFFSET.—The amount authorized to be appropriated for fiscal year 2022 by section 301 for operation and maintenance is hereby decreased by $50,000,000, with the amount of the reduction to be derived from Army Operation and Maintenance, Afghanistan Security Forces Fund, Afghan National Army, Sustainment, line 010 of the table in section 4301.

SA 4769. Mr. WARNOCK submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XVI, insert the following:

SEC. _____. REPORT ON PATHWAYS FOR CYBER AND SOFTWARE ENGINEERING WORKFORCE GROWTH.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on pathways for cyber and software engineering workforce growth.

(b) MATTERS COVERED.—The report required by subsection (a) shall cover the following:

(1) Any current Department of Defense hiring practices or restrictions that constrain workforce growth or retention.

(2) Areas where partnership with State and local educational agencies focused on elementary or secondary education can boost workforce in an area, especially in rural schools and schools that receive funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(3) Incentive and policy options to bring qualified individuals to the regions where the jobs are currently.

(4) Authorities and programs at the Department of Labor that could be used to educate, retrain, or incentivize individuals to pursue these fields in cyber and software engineering.

(5) Options for scholarships and internships to grow a cyber and software engineering workforce pipeline.

SA 4770. Ms. MURKOWSKI (for herself, Mr. KING, and Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MODIFICATION TO REGIONAL CENTERS FOR SECURITY STUDIES.

(a) IN GENERAL.—Section 342(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(F) The Ted Stevens Center for Arctic Security Studies, established in 2021 and located in Anchorage, Alaska.''.

(b) ACCEPTANCE OF GIFTS AND DONATIONS.—Section 2611(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(F) The Ted Stevens Center for Arctic Security Studies, established in 2021 and located in Anchorage, Alaska.''.

SA 4771. Mr. HICKENLOOPER (for himself, Mr. CRAMER, Mr. KELLY, and Mr. MORAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XV, add the following:

SEC. 1516. SENSE OF SENATE ON ANTI-SATELLITE MISSILE TEST OF RUSSIAN FEDERATION.

It is the sense of the Senate that—

(1) the reckless anti-satellite missile test of the Russian Federation on November 15, 2021, and the threat the resulting orbital debris poses to satellites, ongoing and future space missions, and the safety of United States astronauts at the International Space Station, are to be condemned; and

(2) support for responsible norms of behavior in space should be reaffirmed.

SA 4772. Mr. VAN HOLLEN (for himself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. HIGH RESEARCH ACTIVITY STATUS HBCU PILOT PROGRAM.

(a) PURPOSES.—The purposes of the program established under this section shall be—

(1) to enable high research activity status historically Black colleges and universities to achieve very high research activity status; and

(2) to increase the national number of African-American undergraduate and graduate students with degrees in science, technology, engineering, and mathematics.

(b) DEFINITIONS.—

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Defense.

(2) HIGH RESEARCH ACTIVITY STATUS.—The term ''high research activity status'' means such status, as classified by the Carnegie Classification of Institutions of Higher Education.

(3) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ''historically Black college or university'' has the meaning given the term ''part B institution'' under section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(4) VERY HIGH RESEARCH ACTIVITY STATUS.—The term ''very high research activity status'' means such status, as classified by the Carnegie Classification of Institutions of Higher Education.

(c) VERY HIGH RESEARCH ACTIVITY STATUS HISTORICALLY BLACK COLLEGES OR UNIVERSITIES PROGRAM.—

(1) PROGRAM.—The Secretary is authorized to establish and carry out, using funds made available for research activities across the Office of the Undersecretary of Defense for Research and Engineering, a pilot program to award grants in focused areas of scientific research on a competitive, merit-reviewed basis to grow high research activity status (R2) historically Black colleges and universities to achieve very high research activity status (R1), while increasing the national number of African-American undergraduate, graduate, and post-doctoral students with degrees in science, technology, engineering, and mathematics. The Secretary may expand the program to other historically Black colleges or universities beyond those historically Black colleges or universities classified as high research activity status if the Secretary determines that the program can support such an expansion.

(2) GRANTS.—In carrying out the program, the Secretary shall award grants for key areas of scientific research on a competitive, merit-reviewed basis to historically Black colleges or universities that are classified as high research activity status institutions at the time of application for such a grant.

(3) APPLICATION.—

(A) IN GENERAL.—To be eligible to receive a grant under this section, a historically Black college or university described in paragraph (2) shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

(B) CONTENTS.—The application described in subparagraph (A) shall include, at a minimum, a description of—

(i) a plan for increasing the level of research activity and achieving very high research activity status classification within 10 years of the grant award, including measurable milestones such as growth in research expenditures, number of research doctoral degrees awarded, number of research-focused faculty, and other relevant factors;

(ii) how the institution of higher education will sustain the increased level of research activity beyond the duration of the award; and

(iii) how the implementation of the proposed plan will be evaluated and assessed.

(4) PROGRAM COMPONENTS.—

(A) STRATEGIC AREAS OF SCIENTIFIC RESEARCH.—In consultation with the Defense Science Board, the Secretary, or the Secretary's designee, shall establish annually a list of key areas of research for which applicants can seek funding.

(B) USE OF FUNDS.—An institution that receives a grant under this section shall use the grant funds to support research activities, including—

(i) faculty professional development;

(ii) stipends for undergraduate and graduate students and post-doctoral scholars;

(iii) laboratory equipment and instrumentation; and

(iv) other activities necessary to build research capacity.

(C) RESEARCH ASSESSMENT.—

(i) IN GENERAL.—An institution that submits a proposal for a grant under this section shall submit with their proposal a plan that describes the institution's plan to achieve very high research activity status, including making investments with institutional and non-Federal funds, to achieve that status within a decade of the grant award, to the extent practicable.

(ii) UPDATED PLAN.—An institution that receives a grant under this section shall submit to the Secretary an updated plan described in clause (i) not less than once every 3 years, which shall be based on a self-assessment of progress in achieving very high research activity status.

(D) TRANSITION ELIGIBILITY.—The Secretary may consider creating pathways for new historically Black colleges or universities to enter into the program under this section as participating institutions achieve very high research activity status.

SA 4773. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 318. DEPARTMENT OF DEFENSE PLAN TO MEET SCIENCE-BASED EMISSIONS TARGETS.

(a) PLAN REQUIRED.—Not later than September 30, 2022, the Secretary of Defense shall submit to Congress a plan to reduce the greenhouse gas emissions of the Department of Defense, including functions of the Department that are performed by contractors, in line with science-based emissions targets.

(b) UPDATES.—Not later than one year after the submittal of the plan under subsection (a), and annually thereafter, the Secretary shall submit to Congress a report on the progress of the Department toward meeting the science-based emissions targets in such plan.

(c) SCIENCE-BASED EMISSIONS TARGET DEFINED.—In this section, the term ''science-based emissions target'' means a reduction in greenhouse gas emissions consistent with preventing an increase in global average temperature of greater than or equal to 1.5 degrees Celsius compared to pre-industrial levels.

SA 4774. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 3___. REQUIREMENTS RELATING TO JOINT USE AGREEMENTS.

(a) PROHIBITION.—The Secretary of a military department may not enter into or modify a joint use agreement with a non-Department of Defense organization that is not beneficial to the Department of Defense.

(b) NOTICE AND WAIT REQUIREMENT.—

(1) IN GENERAL.—The Secretary of a military department may not enter into a joint use agreement with a non-Department of Defense organization until 180 days after certifying to the congressional defense committees that the agreement will benefit the operations and readiness of the military installation concerned or the Department overall.

(2) ELEMENTS.—A certification required by paragraph (1) shall include the following elements:

(A) A determination that the operations and readiness of the military installation concerned will benefit as a result of the agreement.

(B) A description of the effect of the agreement on the installation and the Department.

(C) A description of the benefit of the agreement to outside agencies.

(D) A description of alternative options to the agreement that were investigated.

(E) Any other elements the Secretary considers relevant.

SA 4775. Mr. REED submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1508 and insert the following:

SEC. 1508. MODIFICATIONS TO EFFECTIVE DATES RELATING TO THE ASSISTANT SECRETARY OF THE AIR FORCE FOR SPACE ACQUISITION AND INTEGRATION AND THE SERVICE ACQUISITION EXECUTIVE OF THE DEPARTMENT OF THE AIR FORCE FOR SPACE SYSTEMS AND PROGRAMS.

(a) MODIFICATION TO EFFECTIVE DATE OF TRANSFER OF ACQUISITION PROJECTS FOR SPACE SYSTEMS AND PROGRAMS.—Section 956(b)(3) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1566; 10 U.S.C. 9016 note), as amended by section 1507(c), is further amended—

(1) by striking ''Effective'' and inserting ''Not later than''; and

(2) by striking ''as of September 30, 2022'' and inserting ''at the time of such transfer''.

(b) MODIFICATIONS TO EFFECTIVE DATES FOR SERVICE ACQUISITION EXECUTIVE OF THE DEPARTMENT OF THE AIR FORCE FOR SPACE SYSTEMS AND PROGRAMS.—

(1) IN GENERAL.—Section 957 of the National Defense Authorization Act for Fiscal Year 2020 (10 U.S.C. 9016 note) is amended—

(A) in subsection (a), by striking ''Effective'' and inserting ''Not later than''; and

(B) in subsection (b)—

(i) in paragraph (1), by striking ''Effective as of'' and inserting ''Not later than''; and

(ii) in paragraph (2), by striking ''as of October 1, 2022'' and inserting ''as described in paragraph (1)''.

(2) CONFORMING AMENDMENT.—Section 9016(b)(6)(vi) of title 10, United States Code, as amended by section 1505(b), is further amended by striking ''Effective as of'' and inserting ''Not later than''.

(3) TECHNICAL CORRECTION.—Section 957(b)(1) of the National Defense Authorization Act for Fiscal Year 2020 (10 U.S.C. 9016 note) is amended by striking ''section 1832(b)'' and inserting ''section 956(b)''.

SA 4776. Mr. PETERS (for himself, Mr. PORTMAN, and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—INSPECTOR GENERAL INDEPENDENCE AND EMPOWERMENT ACT OF 2021

SEC. 5101. SHORT TITLE.

This division may be cited as the ''Inspector General Independence and Empowerment Act of 2021''.

TITLE LI—INSPECTOR GENERAL INDEPENDENCE

SEC. 5111. SHORT TITLE.

This title may be cited as the ''Securing Inspector General Independence Act of 2021''.

SEC. 5112. REMOVAL OR TRANSFER OF INSPECTORS GENERAL; PLACEMENT ON NON-DUTY STATUS.

(a) IN GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 3(b)—

(A) by inserting ''(1)(A)'' after ''(b)'';

(B) in paragraph (1), as so designated—

(i) in subparagraph (A), as so designated, in the second sentence—

(I) by striking ''reasons'' and inserting the following: ''substantive rationale, including detailed and case-specific reasons,''; and

(II) by inserting ''(including to the appropriate congressional committees)'' after ''Houses of Congress''; and

(ii) by adding at the end the following:

''(B) If there is an open or completed inquiry into an Inspector General that relates to the removal or transfer of the Inspector General under subparagraph (A), the written communication required under that subparagraph shall—

''(i) identify each entity that is conducting, or that conducted, the inquiry; and

''(ii) in the case of a completed inquiry, contain the findings made during the inquiry.''; and

(C) by adding at the end the following:

''(2)(A) Subject to the other provisions of this paragraph, only the President may place an Inspector General on non-duty status.

''(B) If the President places an Inspector General on non-duty status, the President

shall communicate in writing the substantive rationale, including detailed and case-specific reasons, for the change in status to both Houses of Congress (including to the appropriate congressional committees) not later than 15 days before the date on which the change in status takes effect, except that the President may submit that communication not later than the date on which the change in status takes effect if—

''(i) the President has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

''(ii) in the communication, the President includes a report on the determination described in clause (i), which shall include—

''(I) a specification of which clause of section 6329b(b)(2)(A) of title 5, United States Code, the President has determined applies under clause (i) of this subparagraph;

''(II) the substantive rationale, including detailed and case-specific reasons, for the determination made under clause (i);

''(III) an identification of each entity that is conducting, or that conducted, any inquiry upon which the determination under clause (i) was made; and

''(IV) in the case of an inquiry described in subclause (III) that is completed, the findings made during that inquiry.

''(C) The President may not place an Inspector General on non-duty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (1)(A) unless the President—

''(i) has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

''(ii) not later than the date on which the change in status takes effect, submits to both Houses of Congress (including to the appropriate congressional committees) a written communication that contains the information required under subparagraph (B), including the report required under clause (ii) of that subparagraph.

''(D) For the purposes of this paragraph—

''(i) the term 'Inspector General'—

''(I) means an Inspector General who was appointed by the President, without regard to whether the Senate provided advice and consent with respect to that appointment; and

''(II) includes the Inspector General of an establishment, the Inspector General of the Intelligence Community, the Inspector General of the Central Intelligence Agency, the Special Inspector General for Afghanistan Reconstruction, the Special Inspector General for the Troubled Asset Relief Program, and the Special Inspector General for Pandemic Recovery; and

''(ii) a reference to the removal or transfer of an Inspector General under paragraph (1), or to the written communication described in that paragraph, shall be considered to be—

''(I) in the case of the Inspector General of the Intelligence Community, a reference to section 103H(c)(4) of the National Security Act of 1947 (50 U.S.C. 3033(c)(4));

''(II) in the case of the Inspector General of the Central Intelligence Agency, a reference to section 17(b)(6) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(b)(6));

''(III) in the case of the Special Inspector General for Afghanistan Reconstruction, a reference to section 1229(c)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 378);

''(IV) in the case of the Special Inspector General for the Troubled Asset Relief Program, a reference to section 121(b)(4) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231(b)(4)); and

''(V) in the case of the Special Inspector General for Pandemic Recovery, a reference to section 4018(b)(3) of the CARES Act (15 U.S.C. 9053(b)(3)).''; and

(2) in section 8G(e)—

(A) in paragraph (1), by inserting ''or placement on non-duty status'' after ''a removal'';

(B) in paragraph (2)—

(i) by inserting ''(A)'' after ''(2)'';

(ii) in subparagraph (A), as so designated, in the first sentence—

(I) by striking ''reasons'' and inserting the following: ''substantive rationale, including detailed and case-specific reasons,''; and

(II) by inserting ''(including to the appropriate congressional committees)'' after ''Houses of Congress''; and

(iii) by adding at the end the following:

''(B) If there is an open or completed inquiry into an Inspector General that relates to the removal or transfer of the Inspector General under subparagraph (A), the written communication required under that subparagraph shall—

''(i) identify each entity that is conducting, or that conducted, the inquiry; and

''(ii) in the case of a completed inquiry, contain the findings made during the inquiry.''; and

(C) by adding at the end the following:

''(3)(A) Subject to the other provisions of this paragraph, only the head of the applicable designated Federal entity (referred to in this paragraph as the 'covered official') may place an Inspector General on non-duty status.

''(B) If a covered official places an Inspector General on non-duty status, the covered official shall communicate in writing the substantive rationale, including detailed and case-specific reasons, for the change in status to both Houses of Congress (including to the appropriate congressional committees) not later than 15 days before the date on which the change in status takes effect, except that the covered official may submit that communication not later than the date on which the change in status takes effect if—

''(i) the covered official has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

''(ii) in the communication, the covered official includes a report on the determination described in clause (i), which shall include—

''(I) a specification of which clause of section 6329b(b)(2)(A) of title 5, United States Code, the covered official has determined applies under clause (i) of this subparagraph;

''(II) the substantive rationale, including detailed and case-specific reasons, for the determination made under clause (i);

''(III) an identification of each entity that is conducting, or that conducted, any inquiry upon which the determination under clause (i) was made; and

''(IV) in the case of an inquiry described in subclause (III) that is completed, the findings made during that inquiry.

''(C) A covered official may not place an Inspector General on non-duty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (2)(A) unless the covered official—

''(i) has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

''(ii) not later than the date on which the change in status takes effect, submits to both Houses of Congress (including to the appropriate congressional committees) a written communication that contains the information required under subparagraph (B), including the report required under clause (ii) of that subparagraph.

''(D) Nothing in this paragraph may be construed to limit or otherwise modify—

''(i) any statutory protection that is afforded to an Inspector General; or

''(ii) any other action that a covered official may take under law with respect to an Inspector General.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 12(3) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting ''except as otherwise expressly provided,'' before ''the term''.

SEC. 5113. VACANCY IN POSITION OF INSPECTOR GENERAL.

(a) IN GENERAL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(h)(1) In this subsection—

''(A) the term 'first assistant to the position of Inspector General' means, with respect to an Office of Inspector General—

''(i) an individual who, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position—

''(I) is serving in a position in that Office; and

''(II) has been designated in writing by the Inspector General, through an order of succession or otherwise, as the first assistant to the position of Inspector General; or

''(ii) if the Inspector General has not made a designation described in clause (i)(II)—

''(I) the Principal Deputy Inspector General of that Office, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position; or

''(II) if there is no Principal Deputy Inspector General of that Office, the Deputy Inspector General of that Office, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position; and

''(B) the term 'Inspector General'—

''(i) means an Inspector General who is appointed by the President, by and with the advice and consent of the Senate; and

''(ii) includes the Inspector General of an establishment, the Inspector General of the Intelligence Community, the Inspector General of the Central Intelligence Agency, the Special Inspector General for the Troubled Asset Relief Program, and the Special Inspector General for Pandemic Recovery.

''(2) If an Inspector General dies, resigns, or is otherwise unable to perform the functions and duties of the position—

''(A) section 3345(a) of title 5, United States Code, and section 103(e) of the National Security Act of 1947 (50 U.S.C. 3025(e)) shall not apply;

''(B) subject to paragraph (4), the first assistant to the position of Inspector General shall perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code; and

''(C) notwithstanding subparagraph (B), and subject to paragraphs (4) and (5), the President (and only the President) may direct an officer or employee of any Office of an Inspector General to perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code, only if—

''(i) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the Inspector General, the officer or employee served in a position in an Office of an Inspector General for not less than 90 days, except that—

''(I) the requirement under this clause shall not apply if the officer is an Inspector General; and

''(II) for the purposes of this subparagraph, performing the functions and duties of an Inspector General temporarily in an acting capacity does not qualify as service in a position in an Office of an Inspector General;

''(ii) the rate of pay for the position of the officer or employee described in clause (i) is equal to or greater than the minimum rate of pay payable for a position at GS–15 of the General Schedule;

''(iii) the officer or employee has demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations; and

''(iv) not later than 30 days before the date on which the direction takes effect, the President communicates in writing to both Houses of Congress (including to the appropriate congressional committees) the substantive rationale, including the detailed and case-specific reasons, for such direction, including the reason for the direction that someone other than the individual who is performing the functions and duties of the Inspector General temporarily in an acting capacity (as of the date on which the President issues that direction) perform those functions and duties temporarily in an acting capacity.

''(3) Notwithstanding section 3345(a) of title 5, United States Code, section 103(e) of the National Security Act of 1947 (50 U.S.C. 3025(e)), and subparagraphs (B) and (C) of paragraph (2), and subject to paragraph (4), during any period in which an Inspector General is on non-duty status—

''(A) the first assistant to the position of Inspector General shall perform the functions and duties of the position temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code; and

''(B) if the first assistant described in subparagraph (A) dies, resigns, or becomes otherwise unable to perform those functions and duties, the President (and only the President) may direct an officer or employee in that Office of Inspector General to perform those functions and duties temporarily in an acting capacity, subject to the time limitations of section 3346 of title 5, United States Code, if—

''(i) that direction satisfies the requirements under clauses (ii), (iii), and (iv) of paragraph (2)(C); and

''(ii) that officer or employee served in a position in that Office of Inspector General for not fewer than 90 of the 365 days preceding the date on which the President makes that direction.

''(4) An individual may perform the functions and duties of an Inspector General temporarily and in an acting capacity under subparagraph (B) or (C) of paragraph (2), or under paragraph (3), with respect to only 1 Inspector General position at any given time.

''(5) If the President makes a direction under paragraph (2)(C), during the 30-day period preceding the date on which the direction of the President takes effect, the functions and duties of the position of the applicable Inspector General shall be performed by—

''(A) the first assistant to the position of Inspector General; or

''(B) the individual performing those functions and duties temporarily in an acting capacity, as of the date on which the President issues that direction, if that individual is an individual other than the first assistant to the position of Inspector General.''.

(b) RULE OF CONSTRUCTION.—Nothing in the amendment made by subsection (a) may be construed to limit the applicability of sections 3345 through 3349d of title 5, United States Code (commonly known as the ''Federal Vacancies Reform Act of 1998''), other than with respect to section 3345(a) of that title.

(c) EFFECTIVE DATE.—

(1) DEFINITION.—In this subsection, the term ''Inspector General'' has the meaning given the term in subsection (h)(1)(B) of section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), as added by subsection (a) of this section.

(2) APPLICABILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), this section, and the amendments made by this section, shall take effect on the date of enactment of this Act.

(B) EXISTING VACANCIES.—If, as of the date of enactment of this Act, an individual is performing the functions and duties of an Inspector General temporarily in an acting capacity, this section, and the amendments made by this section, shall take effect with respect to that Inspector General position on the date that is 30 days after the date of enactment of this Act.

SEC. 5114. OFFICE OF INSPECTOR GENERAL WHISTLEBLOWER COMPLAINTS.

(a) WHISTLEBLOWER PROTECTION COORDINATOR.—Section 3(d)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in clause (i), in the matter preceding subclause (I), by inserting '', including employees of that Office of Inspector General'' after ''employees''; and

(2) in clause (iii), by inserting ''(including the Integrity Committee of that Council)'' after ''and Efficiency''.

(b) COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.—Section 11(c)(5)(B) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking '', allegations of reprisal,'' and inserting the following: ''and allegations of reprisal (including the timely and appropriate handling and consideration of protected disclosures and allegations of reprisal that are internal to an Office of Inspector General)''.

TITLE LII—PRESIDENTIAL EXPLANATION OF FAILURE TO NOMINATE AN INSPECTOR GENERAL

SEC. 5121. PRESIDENTIAL EXPLANATION OF FAILURE TO NOMINATE AN INSPECTOR GENERAL.

(a) IN GENERAL.—Subchapter III of chapter 33 of title 5, United States Code, is amended by inserting after section 3349d the following:

''§ 3349e. Presidential explanation of failure to nominate an inspector general

''If the President fails to make a formal nomination for a vacant inspector general position that requires a formal nomination by the President to be filled within the period beginning on the later of the date on which the vacancy occurred or on which a nomination is rejected, withdrawn, or returned, and ending on the day that is 210 days after that date, the President shall communicate, within 30 days after the end of such period and not later than June 1 of each year thereafter, to the appropriate congressional committees, as defined in section 12 of the Inspector General Act of 1978 (5 U.S.C. App.)—

''(1) the reasons why the President has not yet made a formal nomination; and

''(2) a target date for making a formal nomination.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter III of chapter 33 of title 5, United States Code, is amended by inserting after the item relating to section 3349d the following:

''3349e. Presidential explanation of failure to nominate an Inspector General.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect—

(1) on the date of enactment of this Act with respect to any vacancy first occurring on or after that date; and

(2) on the day that is 210 days after the date of enactment of this Act with respect to any vacancy that occurred before the date of enactment of this Act.

TITLE LIII—INTEGRITY COMMITTEE OF THE COUNCIL OF INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY TRANSPARENCY

SEC. 5131. SHORT TITLE.

This title may be cited as the ''Integrity Committee Transparency Act of 2021''.

SEC. 5132. ADDITIONAL INFORMATION TO BE INCLUDED IN REQUESTS AND REPORTS TO CONGRESS.

Section 11(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (5)(B)(ii), by striking the period at the end and inserting '', the length of time the Integrity Committee has been evaluating the allegation of wrongdoing, and a description of any previous written notice provided under this clause with respect to the allegation of wrongdoing, including the description provided for why additional time was needed.''; and

(2) in paragraph (8)(A)(ii), by inserting ''or corrective action'' after ''disciplinary action''.

SEC. 5133. AVAILABILITY OF INFORMATION TO CONGRESS ON CERTAIN ALLEGATIONS OF WRONGDOING CLOSED WITHOUT REFERRAL.

Section 11(d)(5)(B) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(iii) AVAILABILITY OF INFORMATION TO CONGRESS ON CERTAIN ALLEGATIONS OF WRONGDOING CLOSED WITHOUT REFERRAL.—

''(I) IN GENERAL.—With respect to an allegation of wrongdoing made by a member of Congress that is closed by the Integrity Committee without referral to the Chairperson of the Integrity Committee to initiate an investigation, the Chairperson of the Integrity Committee shall, not later than 60 days after closing the allegation of wrongdoing, provide a written description of the nature of the allegation of wrongdoing and how the Integrity Committee evaluated the allegation of wrongdoing to—

''(aa) the Chair and Ranking Minority Member of the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(bb) the Chair and Ranking Minority Member of the Committee on Oversight and Reform of the House of Representatives.

''(II) REQUIREMENT TO FORWARD.—The Chairperson of the Integrity Committee shall forward any written description or update provided under this clause to the members of the Integrity Committee and to the Chairperson of the Council.''.

SEC. 5134. SEMIANNUAL REPORT.

Section 11(d)(9) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended to read as follows:

''(9) SEMIANNUAL REPORT.—On or before May 31, 2022, and every 6 months thereafter, the Council shall submit to Congress and the President a report on the activities of the Integrity Committee during the immediately preceding 6-month periods ending March 31 and September 30, which shall include the following with respect to allegations of wrongdoing that are made against Inspectors

General and staff members of the various Offices of Inspector General described in paragraph (4)(C):

''(A) An overview and analysis of the allegations of wrongdoing disposed of by the Integrity Committee, including—

''(i) analysis of the positions held by individuals against whom allegations were made, including the duties affiliated with such positions;

''(ii) analysis of the categories or types of the allegations of wrongdoing; and

''(iii) a summary of disposition of all the allegations.

''(B) The number of allegations received by the Integrity Committee.

''(C) The number of allegations referred to the Department of Justice or the Office of Special Counsel, including the number of allegations referred for criminal investigation.

''(D) The number of allegations referred to the Chairperson of the Integrity Committee for investigation, a general description of the status of such investigations, and a summary of the findings of investigations completed.

''(E) An overview and analysis of allegations of wrongdoing received by the Integrity Committee during any previous reporting period, but remained pending during some part of the six months covered by the report, including—

''(i) analysis of the positions held by individuals against whom allegations were made, including the duties affiliated with such positions;

''(ii) analysis of the categories or types of the allegations of wrongdoing; and

''(iii) a summary of disposition of all the allegations.

''(F) The number and category or type of pending investigations.

''(G) For each allegation received—

''(i) the date on which the investigation was opened;

''(ii) the date on which the allegation was disposed of, as applicable; and

''(iii) the case number associated with the allegation.

''(H) The nature and number of allegations to the Integrity Committee closed without referral, including the justification for why each allegation was closed without referral.

''(I) A brief description of any difficulty encountered by the Integrity Committee when receiving, evaluating, investigating, or referring for investigation an allegation received by the Integrity Committee, including a brief description of—

''(i) any attempt to prevent or hinder an investigation; or

''(ii) concerns about the integrity or operations at an Office of Inspector General.

''(J) Other matters that the Council considers appropriate.''.

SEC. 5135. ADDITIONAL REPORTS.

Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating subsections (e) and (f) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (d) the following:

''(e) ADDITIONAL REPORTS.—

''(1) REPORT TO INSPECTOR GENERAL.—The Chairperson of the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency shall, immediately whenever the Chairperson of the Integrity Committee becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of an Office of Inspector General for which the Integrity Committee may receive, review, and refer for investigation allegations of wrongdoing under section 11(d), submit a report to the Inspector General who leads the Office at which the serious or flagrant problems, abuses, or deficiencies were alleged.

''(2) REPORT TO PRESIDENT, CONGRESS, AND THE ESTABLISHMENT.—Not later than 7 days after the date on which an Inspector General receives a report submitted under paragraph (1), the Inspector General shall submit to the President, the appropriate congressional committees, and the head of the establishment—

''(A) the report received under paragraph (1); and

''(B) a report by the Inspector General containing any comments the Inspector General determines appropriate.''.

SEC. 5136. REQUIREMENT TO REPORT FINAL DISPOSITION TO CONGRESS.

Section 11(d)(8)(B) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting ''and the appropriate congressional committees'' after ''Integrity Committee''.

SEC. 5137. INVESTIGATIONS OF OFFICES OF INSPECTORS GENERAL OF ESTABLISHMENTS BY THE INTEGRITY COMMITTEE.

Section 11(d)(7)(B)(i)(V) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting '', and that an investigation of an Office of Inspector General of an establishment is conducted by another Office of Inspector General of an establishment'' after ''size''.

TITLE LIV—NOTICE OF ONGOING INVESTIGATIONS WHEN THERE IS A CHANGE IN STATUS OF INSPECTOR GENERAL

SEC. 5141. NOTICE OF ONGOING INVESTIGATIONS WHEN THERE IS A CHANGE IN STATUS OF INSPECTOR GENERAL.

Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after subsection (e), as added by section 5135 of this division, the following:

''(f) Not later than 15 days after an Inspector General is removed, placed on paid or unpaid non-duty status, or transferred to another position or location within an establishment, the officer or employee performing the functions and duties of the Inspector General temporarily in an acting capacity shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives information regarding work being conducted by the Office as of the date on which the Inspector General was removed, placed on paid or unpaid non-duty status, or transferred, which shall include—

''(1) for each investigation—

''(A) the type of alleged offense;

''(B) the fiscal quarter in which the Office initiated the investigation;

''(C) the relevant Federal agency, including the relevant component of that Federal agency for any Federal agency listed in section 901(b) of title 31, United States Code, under investigation or affiliated with the individual or entity under investigation; and

''(D) whether the investigation is administrative, civil, criminal, or a combination thereof, if known; and

''(2) for any work not described in paragraph (1)—

''(A) a description of the subject matter and scope;

''(B) the relevant agency, including the relevant component of that Federal agency, under review;

''(C) the date on which the Office initiated the work; and

''(D) the expected time frame for completion.''.

TITLE LV—COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY REPORT ON EXPENDITURES

SEC. 5151. CIGIE REPORT ON EXPENDITURES.

Section 11(c)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(D) REPORT ON EXPENDITURES.—Not later than November 30 of each year, the Chairperson shall submit to the appropriate committees or subcommittees of Congress, including the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, a report on the expenditures of the Council for the preceding fiscal year, including from direct appropriations to the Council, interagency funding pursuant to subparagraph (A), a revolving fund pursuant to subparagraph (B), or any other source.''.

TITLE LVI—NOTICE OF REFUSAL TO PROVIDE INSPECTORS GENERAL ACCESS

SEC. 5161. NOTICE OF REFUSAL TO PROVIDE INFORMATION OR ASSISTANCE TO INSPECTORS GENERAL.

Section 6(c) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(3) If the information or assistance that is the subject of a report under paragraph (2) is not provided to the Inspector General by the date that is 30 days after the report is made, the Inspector General shall submit a notice that the information or assistance requested has not been provided by the head of the establishment involved or the head of the Federal agency involved, as applicable, to the appropriate congressional committees.''.

TITLE LVII—TRAINING RESOURCES FOR INSPECTORS GENERAL AND OTHER MATTERS

SEC. 5171. TRAINING RESOURCES FOR INSPECTORS GENERAL.

Section 11(c)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating subparagraphs (E) through (I) as subparagraphs (F) through (J), respectively; and

(2) by inserting after subparagraph (D) the following:

''(E) support the professional development of Inspectors General, including by providing training opportunities on the duties, responsibilities, and authorities under this Act and on topics relevant to Inspectors General and the work of Inspectors General, as identified by Inspectors General and the Council.''.

SEC. 5172. DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 5—

(A) in subsection (b), in the matter preceding paragraph (1), by striking ''committees or subcommittees of the Congress'' and inserting ''congressional committees''; and

(B) in subsection (d), by striking ''committees or subcommittees of Congress'' and inserting ''congressional committees'';

(2) in section 6(h)(4)—

(A) in subparagraph (B), by striking ''Government''; and

(B) by amending subparagraph (C) to read as follows:

''(C) Any other relevant congressional committee or subcommittee of jurisdiction.'';

(3) in section 8—

(A) in subsection (b)—

(i) in paragraph (3), by striking ''the Committees on Armed Services and Governmental Affairs of the Senate and the Committee on Armed Services and the Committee on Government Reform and Oversight of the House of Representatives and to other appropriate committees or subcommittees of

the Congress'' and inserting ''the appropriate congressional committees, including the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives''; and

(ii) in paragraph (4), by striking ''and to other appropriate committees or subcommittees''; and

(B) in subsection (f)—

(i) in paragraph (1), by striking ''the Committees on Armed Services and on Homeland Security and Governmental Affairs of the Senate and the Committees on Armed Services and on Oversight and Government Reform of the House of Representatives and to other appropriate committees or subcommittees of Congress'' and inserting ''the appropriate congressional committees, including the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives''; and

(ii) in paragraph (2), by striking ''committees or subcommittees of the Congress'' and inserting ''congressional committees'';

(4) in section 8D—

(A) in subsection (a)(3), by striking ''Committees on Governmental Affairs and Finance of the Senate and the Committees on Government Operations and Ways and Means of the House of Representatives, and to other appropriate committees or subcommittees of the Congress'' and inserting ''appropriate congressional committees, including the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives''; and

(B) in subsection (g)—

(i) in paragraph (1)—

(I) by striking ''committees or subcommittees of the Congress'' and inserting ''congressional committees''; and

(II) by striking ''Committees on Governmental Affairs and Finance of the Senate and the Committees on Government Reform and Oversight and Ways and Means of the House of Representatives'' and inserting ''Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives''; and

(ii) in paragraph (2), by striking ''committees or subcommittees of Congress'' and inserting ''congressional committees'';

(5) in section 8E—

(A) in subsection (a)(3), by striking ''Committees on Governmental Affairs and Judiciary of the Senate and the Committees on Government Operations and Judiciary of the House of Representatives, and to other appropriate committees or subcommittees of the Congress'' and inserting ''appropriate congressional committees, including the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives''; and

(B) in subsection (c)—

(i) by striking ''committees or subcommittees of the Congress'' and inserting ''congressional committees''; and

(ii) by striking ''Committees on the Judiciary and Governmental Affairs of the Senate and the Committees on the Judiciary and Government Operations of the House of Representatives'' and inserting ''Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives'';

(6) in section 8G—

(A) in subsection (d)(2)(E), in the matter preceding clause (i), by inserting ''the appropriate congressional committees, including'' after ''are''; and

(B) in subsection (f)(3)—

(i) in subparagraph (A)(iii), by striking ''Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives, and to other appropriate committees or subcommittees of the Congress'' and inserting ''the appropriate congressional committees''; and

(ii) by striking subparagraph (C);

(7) in section 8I—

(A) in subsection (a)(3), in the matter preceding subparagraph (A), by striking ''committees and subcommittees of Congress'' and inserting ''congressional committees''; and

(B) in subsection (d), by striking ''committees and subcommittees of Congress'' each place it appears and inserting ''congressional committees'';

(8) in section 8N(b), by striking ''committees of Congress'' and inserting ''congressional committees'';

(9) in section 11—

(A) in subsection (b)(3)(B)(viii)—

(i) by striking subclauses (III) and (IV);

(ii) in subclause (I), by adding ''and'' at the end; and

(iii) by amending subclause (II) to read as follows:

''(II) the appropriate congressional committees.''; and

(B) in subsection (d)(8)(A)(iii), by striking ''to the'' and all that follows through ''jurisdiction'' and inserting ''to the appropriate congressional committees''; and

(10) in section 12—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(6) the term 'appropriate congressional committees' means—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(B) the Committee on Oversight and Reform of the House of Representatives; and

''(C) any other relevant congressional committee or subcommittee of jurisdiction.''.

SEC. 5173. SEMIANNUAL REPORTS.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 4(a)(2)—

(A) by inserting '', including'' after ''to make recommendations''; and

(B) by inserting a comma after ''section 5(a)'';

(2) in section 5—

(A) in subsection (a)—

(i) by striking paragraphs (1) through (12) and inserting the following:

''(1) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the establishment and associated reports and recommendations for corrective action made by the Office;

''(2) an identification of each recommendation made before the reporting period, for which corrective action has not been completed, including the potential costs savings associated with the recommendation;

''(3) a summary of significant investigations closed during the reporting period;

''(4) an identification of the total number of convictions during the reporting period resulting from investigations;

''(5) information regarding each audit, inspection, or evaluation report issued during the reporting period, including—

''(A) a listing of each audit, inspection, or evaluation;

''(B) if applicable, the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs) and the dollar value of recommendations that funds be put to better use, including whether a management decision had been made by the end of the reporting period;

''(6) information regarding any management decision made during the reporting period with respect to any audit, inspection, or evaluation issued during a previous reporting period;'';

(ii) by redesignating paragraphs (13) through (22) as paragraphs (7) through (16), respectively;

(iii) by amending paragraph (13), as so redesignated, to read as follows:

''(13) a report on each investigation conducted by the Office where allegations of misconduct were substantiated, including the name of the senior Government employee, if already made public by the Office, and a detailed description of—

''(A) the facts and circumstances of the investigation; and

''(B) the status and disposition of the matter, including—

''(i) if the matter was referred to the Department of Justice, the date of the referral; and

''(ii) if the Department of Justice declined the referral, the date of the declination;''; and

(iv) in paragraph (15), as so redesignated, by striking subparagraphs (A) and (B) and inserting the following:

''(A) any attempt by the establishment to interfere with the independence of the Office, including—

''(i) with budget constraints designed to limit the capabilities of the Office; and

''(ii) incidents where the establishment has resisted or objected to oversight activities of the Office or restricted or significantly delayed access to information, including the justification of the establishment for such action; and

''(B) a summary of each report made to the head of the establishment under section 6(c)(2) during the reporting period;''; and

(B) in subsection (b)—

(i) by striking paragraphs (2) and (3) and inserting the following:

''(2) where final action on audit, inspection, and evaluation reports had not been taken before the commencement of the reporting period, statistical tables showing—

''(A) with respect to management decisions—

''(i) for each report, whether a management decision was made during the reporting period;

''(ii) if a management decision was made during the reporting period, the dollar value of disallowed costs and funds to be put to better use as agreed to in the management decision; and

''(iii) total number of reports where a management decision was made during the reporting period and the total corresponding dollar value of disallowed costs and funds to be put to better use as agreed to in the management decision; and

''(B) with respect to final actions—

''(i) whether, if a management decision was made before the end of the reporting period, final action was taken during the reporting period;

''(ii) if final action was taken, the dollar value of—

''(I) disallowed costs that were recovered by management through collection, offset, property in lieu of cash, or otherwise;

''(II) disallowed costs that were written off by management;

''(III) disallowed costs and funds to be put to better use not yet recovered or written off by management;

''(IV) recommendations that were completed; and

''(V) recommendations that management has subsequently concluded should not or could not be implemented or completed; and

''(iii) total number of reports where final action was not taken and total number of reports where final action was taken, including the total corresponding dollar value of disallowed costs and funds to be put to better use as agreed to in the management decisions;'';

(ii) by redesignating paragraph (4) as paragraph (3);

(iii) in paragraph (3), as so redesignated, by striking ''subsection (a)(20)(A)'' and inserting ''subsection (a)(14)(A)''; and

(iv) by striking paragraph (5) and inserting the following:

''(4) a statement explaining why final action has not been taken with respect to each audit, inspection, and evaluation report in which a management decision has been made but final action has not yet been taken, except that such statement—

''(A) may exclude reports if—

''(i) a management decision was made within the preceding year; or

''(ii) the report is under formal administrative or judicial appeal or management of the establishment has agreed to pursue a legislative solution; and

''(B) shall identify the number of reports in each category so excluded.'';

(C) by redesignating subsection (h), as so redesignated by section 5135 of this division, as subsection (i); and

(D) by inserting after subsection (g), as so redesignated by section 5135 of this division, the following:

''(h) If an Office has published any portion of the report or information required under subsection (a) to the website of the Office or on oversight.gov, the Office may elect to provide links to the relevant webpage or website in the report of the Office under subsection (a) in lieu of including the information in that report.''.

SEC. 5174. SUBMISSION OF REPORTS THAT SPECIFICALLY IDENTIFY NON-GOVERNMENTAL ORGANIZATIONS OR BUSINESS ENTITIES.

(a) IN GENERAL.—Section 5(g) of the Inspector General Act of 1978 (5 U.S.C. App.), as so redesignated by section 5135 of this division, is amended by adding at the end the following:

''(6)(A) Except as provided in subparagraph (B), if an audit, evaluation, inspection, or other non-investigative report prepared by an Inspector General specifically identifies a specific non-governmental organization or business entity, whether or not the non-governmental organization or business entity is the subject of that audit, evaluation, inspection, or non-investigative report—

''(i) the Inspector General shall notify the non-governmental organization or business entity;

''(ii) the non-governmental organization or business entity shall have—

''(I) 30 days to review the audit, evaluation, inspection, or non-investigative report beginning on the date of publication of the audit, evaluation, inspection, or non-investigative report; and

''(II) the opportunity to submit a written response for the purpose of clarifying or providing additional context as it directly relates to each instance wherein an audit, evaluation, inspection, or non-investigative report specifically identifies that non-governmental organization or business entity; and

''(iii) if a written response is submitted under clause (ii)(II) within the 30-day period described in clause (ii)(I)—

''(I) the written response shall be attached to the audit, evaluation, inspection, or non-investigative report; and

''(II) in every instance where the report may appear on the public-facing website of the Inspector General, the website shall be updated in order to access a version of the audit, evaluation, inspection, or non-investigative report that includes the written response.

''(B) Subparagraph (A) shall not apply with respect to a non-governmental organization or business entity that refused to provide information or assistance sought by an Inspector General during the creation of the audit, evaluation, inspection, or non-investigative report.

''(C) An Inspector General shall review any written response received under subparagraph (A) for the purpose of preventing the improper disclosure of classified information or other non-public information, consistent with applicable laws, rules, and regulations, and, if necessary, redact such information.''.

(b) RETROACTIVE APPLICABILITY.—During the 30-day period beginning on the date of enactment of this Act—

(1) the amendment made by subsection (a) shall apply upon the request of a non-governmental organization or business entity named in an audit, evaluation, inspection, or other non-investigative report prepared on or after January 1, 2019; and

(2) any written response submitted under clause (iii) of section 5(g)(6)(A) of the Inspector General Act of 1978 (5 U.S.C. App.), as added by subsection (a), with respect to such an audit, evaluation, inspection, or other non-investigative report shall attach to the original report in the manner described in that clause.

SA 4777. Mrs. FISCHER (for herself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. _____. ADVANCING IOT FOR PRECISION AGRICULTURE.

(a) SHORT TITLE.—This section may be cited as the ''Advancing IoT for Precision Agriculture Act of 2021''.

(b) PURPOSE.—It is the purpose of this section to promote scientific research and development opportunities for connected technologies that advance precision agriculture capabilities.

(c) NATIONAL SCIENCE FOUNDATION DIRECTIVE ON AGRICULTURAL SENSOR RESEARCH.—In awarding grants under its applicable sensor systems and networked systems programs, and in coordination with the Department of Agriculture, the Director of the National Science Foundation shall include in consideration of portfolio balance research and development on sensor connectivity in environments of intermittent connectivity and intermittent computation—

(1) to improve the reliable use of advance sensing systems in rural and agricultural areas; and

(2) that considers—

(A) direct gateway access for locally stored data;

(B) attenuation of signal transmission;

(C) loss of signal transmission; and

(D) at-scale performance for wireless power.

(d) UPDATING CONSIDERATIONS FOR PRECISION AGRICULTURE TECHNOLOGY WITHIN THE NSF ADVANCED TECHNICAL EDUCATION PROGRAM.—Section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i) is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (D), by striking ''and'' after the semicolon;

(B) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(F) applications that incorporate distance learning tools and approaches.'';

(2) in subsection (e)(3)—

(A) in subparagraph (C), by striking ''and'' after the semicolon;

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(E) applications that incorporate distance learning tools and approaches.''; and

(3) in subsection (j)(1), by inserting ''agricultural,'' after ''commercial,''.

(e) GAO REVIEW.—Not later than 18 months after the date of enactment of this section, the Comptroller General of the United States shall provide—

(1) a technology assessment of precision agriculture technologies, such as the existing use of—

(A) sensors, scanners, radio-frequency identification, and related technologies that can monitor soil properties, irrigation conditions, and plant physiology;

(B) sensors, scanners, radio-frequency identification, and related technologies that can monitor livestock activity and health;

(C) network connectivity and wireless communications that can securely support digital agriculture technologies in rural and remote areas;

(D) aerial imagery generated by satellites or unmanned aerial vehicles;

(E) ground-based robotics;

(F) control systems design and connectivity, such as smart irrigation control systems; and

(G) data management software and advanced analytics that can assist decision making and improve agricultural outcomes; and

(2) a review of Federal programs that provide support for precision agriculture research, development, adoption, education, or training, in existence on the date of enactment of this section.

SA 4778. Mr. BOOKER (for himself, Mr. CORNYN, Mr. COONS, Mr. PORTMAN, Mr. GRAHAM, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Preventing Future Pandemics

SEC. 1071. SHORT TITLE.

This subtitle may be cited as the ''Preventing Future Pandemics Act of 2021''.

SEC. 1072. DEFINITIONS.

In this subtitle:

(1) WILDLIFE MARKET.—The term ''wildlife market''—

(A) means a commercial market or subsection of a commercial market—

(i) where live mammalian or avian wildlife is held, slaughtered, or sold for human consumption as food or medicine whether the animals originated in the wild or in a captive environment; and

(ii) that delivers a product in communities where alternative nutritional or protein sources are readily available and affordable; and

(B) does not include—

(i) markets in areas where no other practical alternative sources of protein or meat

exists, such as wildlife markets in rural areas on which indigenous people and rural local communities rely to feed themselves and their families; and

(ii) dead wild game and fish processors.

(2) COMMERCIAL TRADE IN LIVE WILDLIFE.—The term ''commercial trade in live wildlife''—

(A) means commercial trade in live wildlife for human consumption as food or medicine; and

(B) does not include—

(i) fish;

(ii) invertebrates;

(iii) amphibians and reptiles; and

(iv) the meat of ruminant game species—

(I) traded in markets in countries with effective implementation and enforcement of scientifically based, nationally implemented policies and legislation for processing, transport, trade, and marketing; and

(II) sold after being slaughtered and processed under sanitary conditions.

(3) ONE HEALTH.—The term ''One Health'' means a collaborative, multi-sectoral, and transdisciplinary approach working at the local, regional, national, and global levels with the goal of achieving optimal health outcomes that recognizes the interconnection between—

(A) people, animals, both wild and domestic, and plants; and

(B) the environment shared by such people, animals, and plants.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

SEC. 1073. STUDY ON RISK OF WILDLIFE MARKETS ON THE EMERGENCE OF NOVEL VIRAL PATHOGENS.

(a) STUDY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, the Secretary of Health and Human Services, the Secretary of the Interior, and the Secretary of Agriculture shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to evaluate the risk wildlife markets pose to human health through the emergence or reemergence of pathogens and activities to reduce the risk of zoonotic spillover. The study shall evaluate—

(1) the impact of physical proximity to and the role of human use of terrestrial wildlife for food or medicine on the emergence or reemergence of pathogens, including novel pathogens;

(2) the conditions at live wildlife markets and within the associated supply chain that elevate risk factors leading to such emergence, reemergence, or transmission of pathogens, including sanitary conditions and the physical proximity of animals;

(3) animal taxa that present a high risk of contributing to zoonotic spillover and the associated risk factors that increase the emergence, reemergence, or transmission of pathogens;

(4) emerging pathogen risk reduction measures and control options across wildlife markets and the associated supply chain; and

(5) the methods by which the United States might work with international partners to effectively promote diversified, culturally appropriate alternative sources of nutritious food, protein, and related income in communities that currently rely upon the human use of wildlife as food or medicine for subsistence, while ensuring that existing natural habitats are not fragmented, degraded, or destroyed and that human pressure on natural habitats is not increased by this process.

(b) REPORT.—Not later than 1 year after the date of the agreement under subsection (a), the Secretaries described in such subsection shall submit a report on the findings of the study described in such subsection to—

(1) the appropriate congressional committees;

(2) the Committee on Health, Education, Labor, and Pensions and the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

(3) the Committee on Energy and Commerce and the Committee on Agriculture of the House of Representatives.

(c) AUTHORIZATION OF APPROPRIATIONS..—There is authorized to be appropriated such sums as are necessary for the development of the study described in this section.

SEC. 1074. DETERMINATION OF RISK.

Not later than 90 days after the completion of the study in section 1073, the Director of the Centers for Disease Control and Prevention, in coordination with the heads of other relevant departments and agencies, including the Department of Agriculture, the Department of the Interior, and the United States Agency for International Development, and after consideration of such study after public notice and comment, shall publicly release a list of taxa that the Director, taking into account other risk factors examined in the study, determines present a high risk of contributing to the spillover of zoonotic pathogens capable of causing pandemics. The list shall be reviewed annually and updated as necessary by the Director, following additional public notice and comment.

SEC. 1075. SENSE OF CONGRESS.

It is the sense of Congress that global institutions, including the Food and Agriculture Organization of the United Nations (FAO), the World Organisation for Animal Health (OIE), the World Health Organization (WHO), and the United Nations Environment Programme (UNEP), together with leading intergovernmental and nongovernmental organizations, veterinary and medical colleges, the Department of State, and the United States Agency for International Development (USAID), should promote the paradigm of One Health as an effective and integrated way to address the complexity of emerging disease threats, and should support improved community health, biodiversity conservation, forest conservation and management, sustainable agriculture, and safety of livestock, domestic animals, and wildlife in developing countries, particularly in tropical landscapes where there is an elevated risk of zoonotic disease spill over.

SEC. 1076. STATEMENT OF POLICY.

It is the policy of the United States to—

(1) support the availability of scalable and sustainable alternative sources of protein and nutrition for local communities, where appropriate, in order to minimize human reliance on the commercial trade in live wildlife for human consumption;

(2) support foreign governments to—

(A) reduce commercial trade in live wildlife for human consumption;

(B) transition from the commercial trade in live wildlife for human consumption to sustainably produced alternate protein and nutritional sources;

(C) establish and effectively manage and protect natural habitat, including protected and conserved areas and the lands of Indigenous peoples and local communities, particularly in countries with tropical forest hotspots for emerging diseases; and

(D) strengthen public health capacity, particularly in countries where there is a high risk of emerging zoonotic viruses and other infectious diseases;

(3) respect the rights and needs of indigenous peoples and local communities dependent on such wildlife for nutritional needs and food security; and

(4) facilitate international cooperation by working with international partners through intergovernmental, international, and nongovernmental organizations such as the United Nations to—

(A) lead a resolution at the United Nations Security Council or General Assembly and World Health Assembly outlining the danger to human and animal health from emerging zoonotic infectious diseases, with recommendations for implementing the closure of wildlife markets and prevention of the commercial trade in live wildlife for human consumption, except where the consumption of wildlife is necessary for local food security or where such actions would significantly disrupt a readily available and irreplaceable food supply;

(B) raise awareness and build stakeholder engagement networks, including civil society, the private sector, and local and regional governments on the dangerous potential of wildlife markets as a source of zoonotic diseases and reduce demand for the consumption of wildlife through evidence-based behavior change programs, while ensuring that existing wildlife habitat is not encroached upon or destroyed as part of this process;

(C) encourage and support alternative forms of sustainable food production, farming, and shifts to sustainable sources of protein and nutrition instead of terrestrial wildlife, where able and appropriate, and reduce consumer demand for terrestrial and freshwater wildlife through enhanced local and national food systems, especially in areas where wildlife markets play a significant role in meeting subsistence needs while ensuring that existing wildlife habitat is not encroached upon or destroyed as part of this process; and

(D) strive to increase biosecurity and hygienic standards implemented in farms, gathering centers, transport, and market systems around the globe, especially those specializing in the provision of products intended for human consumption.

SEC. 1077. PREVENTION OF FUTURE ZOONOTIC SPILLOVER EVENTS.

(a) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development, in consultation with the Director of the United States Fish and Wildlife Service, the Secretary of Agriculture, the Director of the Centers for Disease Control and Prevention, and the heads of other relevant departments and agencies, shall work with foreign governments, multilateral entities, intergovernmental organizations, international partners, private sector partners, and nongovernmental organizations to carry out activities supporting the following objectives, recognizing that multiple interventions will likely be necessary to make an impact, and that interventions will need to be tailored to the situation to—

(1) immediately close wildlife markets which contain taxa listed pursuant to section 1074 and uncontrolled, unsanitary, or illicit wildlife markets and prevent associated commercial trade in live wildlife, placing a priority focus on countries with significant markets for live wildlife for human consumption, high-volume commercial trade and associated markets, trade in and across

urban centers, and trade for luxury consumption or where there is no dietary necessity—

(A) through existing treaties, conventions, and agreements;

(B) by amending existing protocols or agreements;

(C) by pursuing new protocols; or

(D) by other means of international coordination;

(2) improve regulatory oversight and reduce commercial trade in live wildlife and eliminate practices identified to contribute to zoonotic spillover and emerging pathogens;

(3) prevent commercial trade in live wildlife through programs that combat wildlife trafficking and poaching, including by—

(A) providing assistance to improve law enforcement;

(B) detecting and deterring the illegal import, transit, sale, and export of wildlife;

(C) strengthening such programs to assist countries through legal reform;

(D) improving information sharing and enhancing capabilities of participating foreign governments;

(E) supporting efforts to change behavior and reduce demand for such wildlife products;

(F) leveraging United States private sector technologies and expertise to scale and enhance enforcement responses to detect and prevent such trade; and

(G) strengthening collaboration with key private sector entities in the transportation industry to prevent and report the transport of such wildlife and wildlife products;

(4) leverage strong United States bilateral relationships to support new and existing inter-Ministerial collaborations or Task Forces that can serve as regional One Health models;

(5) build local agricultural and food safety capacity by leveraging expertise from the United States Department of Agriculture (USDA) and institutions of higher education with agricultural or natural resource expertise;

(6) work through international organizations to develop a set of objective risk-based metrics that provide a cross-country comparable measure of the level of risk posed by wildlife trade and marketing and can be used to track progress nations make in reducing risks, identify where resources should be focused, and potentially leverage a peer influence effect;

(7) prevent the degradation and fragmentation of forests and other intact ecosystems to minimize interactions between wildlife and human and livestock populations that could contribute to spillover events and zoonotic disease transmission, including by providing assistance or supporting policies to, for example—

(A) conserve, protect, and restore the integrity of such ecosystems;

(B) support the rights and needs of Indigenous People and local communities and their ability to continue their effective stewardship of their traditional lands and territories;

(C) support the establishment and effective management of protected areas, prioritizing highly intact areas; and

(D) prevent activities that result in the destruction, degradation, fragmentation, or conversion of intact forests and other intact ecosystems and biodiversity strongholds, including by governments, private sector entities, and multilateral development financial institutions;

(8) offer appropriate alternative livelihood and worker training programs and enterprise development to wildlife traders, wildlife breeders, and local communities whose members are engaged in the commercial trade in live wildlife for human consumption;

(9) ensure that the rights of Indigenous Peoples and local communities are respected and their authority to exercise these rights is protected;

(10) strengthen global capacity for prevention, prediction, and detection of novel and existing zoonoses with pandemic potential, including the support of innovative technologies in coordination with the United States Agency for International Development, the Centers for Disease Control and Prevention, and other relevant departments and agencies; and

(11) support the development of One Health systems at the local, regional, national, and global levels in coordination with the United States Agency for International Development, the Centers for Disease Control and Prevention, and other relevant departments and agencies, particularly in emerging infectious disease hotspots, through a collaborative, multisectoral, and transdisciplinary approach that recognizes the interconnections among people, animals, plants, and their shared environment to achieve equitable and sustainable health outcomes.

(b) ACTIVITIES.—

(1) GLOBAL COOPERATION.—The United States Government, working through the United Nations and its components, as well as international organization such as Interpol, the Food and Agriculture Organization of the United Nations, and the World Organisation for Animal Health, and in furtherance of the policies described in section 1076, shall—

(A) collaborate with other member states, issue declarations, statements, and communiques urging countries to close wildlife markets, and prevent commercial trade in live wildlife for human consumption; and

(B) urge increased enforcement of existing laws to end wildlife trafficking.

(2) INTERNATIONAL COALITIONS.—The Secretary of State shall seek to build new, and support existing, international coalitions focused on closing wildlife markets and preventing commercial trade in live wildlife for human consumption, with a focus on the following efforts:

(A) Providing assistance and advice to other governments in the adoption of legislation and regulations to close wildlife markets and associated trade over such timeframe and in such manner as to minimize the increase of wildlife trafficking and poaching.

(B) Creating economic and enforcement pressure for the immediate shut down of wildlife markets which contain taxa listed pursuant to section 1074 and uncontrolled, unsanitary, or illicit wildlife markets and their supply chains to prevent their operation.

(C) Providing assistance and guidance to other governments on measures to prohibit the import, export, and domestic commercial trade in live wildlife for the purpose of human consumption.

(D) Implementing risk reduction interventions and control options to address zoonotic spillover along the supply chain for the wildlife market system.

(E) Engaging and receiving guidance from key stakeholders at the ministerial, local government, and civil society level, including Indigenous Peoples, in countries that will be impacted by this subtitle and where wildlife markets and associated wildlife trade are the predominant source of meat or protein, in order to mitigate the impact of any international efforts on food security, nutrition, local customs, conservation methods, or cultural norms.

(F) Promoting private sector engagement and public-private partnerships with industry groups (such as the transportation industry) to address transport and movement of live wildlife to supply the commercial trade in live wildlife for human consumption.

(c) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—

(1) SUSTAINABLE FOOD SYSTEMS FUNDING.—

(A) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts provided for such purposes, there is authorized to be appropriated such sums as necessary for each fiscal year from 2021 through 2030 to the United States Agency for International Development to reduce demand for consumption of wildlife from wildlife markets and support shifts to diversified alternative and sustainably produced sources of nutritious food and protein in communities that rely upon the consumption of wildlife for food security, while ensuring that existing wildlife habitat is not encroached upon or destroyed as part of this process, using a multisectoral approach and including support for demonstration programs.

(B) ACTIVITIES.—The Bureau for Development, Democracy and Innovation (DDI), the Bureau for Resilience and Food Security (RFS), and the Bureau for Global Health (GH) of the United States Agency for International Development shall, in partnership with United States and international institutions of higher education and nongovernmental organizations, co-develop approaches focused on safe, sustainable food systems that support and incentivize the replacement of terrestrial wildlife in diets, while ensuring that existing wildlife habitat is not encroached upon or destroyed as part of this process.

(2) ADDRESSING THREATS AND CAUSES OF ZOONOTIC DISEASE OUTBREAKS.—The Administrator of the United States Agency for International Development, in consultation with the Secretary of the Interior, shall increase activities in United States Agency for International Development programs related to conserving biodiversity, combating wildlife trafficking, sustainable landscapes, global health, food security, and resilience in order to address the threats and causes of zoonotic disease outbreaks, including through—

(A) education;

(B) capacity building;

(C) strengthening human, livestock, and wildlife health monitoring systems of pathogens of zoonotic origin to support early detection and reporting of novel and known pathogens for emergence of zoonotic disease and strengthening cross-sectoral collaboration to align risk reduction approaches in consultation with the Director of the Centers for Disease Control and the Secretary of Health and Human Services;

(D) improved domestic and wild animal disease monitoring and control at production and market levels;

(E) development of alternative livelihood opportunities where possible;

(F) preventing degradation and fragmentation of forests and other intact ecosystems and restoring the integrity of such ecosystems, particularly in tropical countries, to prevent the creation of new pathways for zoonotic pathogen transmission that arise from interactions among wildlife, humans, and livestock populations;

(G) minimizing interactions between domestic livestock and wild animals in markets and captive production;

(H) supporting shifts from wildlife markets to diversified, safe, affordable, and accessible alternative sources of protein and nutrition through enhanced local and national food systems while ensuring that existing wildlife habitat is not encroached upon or destroyed as part of this process;

(I) improving community health, forest management practices, and safety of livestock production in tropical landscapes, particularly in hotspots for zoonotic spillover and emerging infectious diseases;

(J) preventing degradation and fragmentation of forests and other intact ecosystems, particularly in tropical countries, to minimize interactions between wildlife, human, and livestock populations that could contribute to spillover events and zoonotic disease transmission, including by providing assistance or supporting policies to—

(i) conserve, protect, and restore the integrity of such ecosystems; and

(ii) support the rights of Indigenous People and local communities and their ability to continue their effective stewardship of their intact traditional lands and territories; and

(K) supporting development and use of multi-data sourced predictive models and decisionmaking tools to identify areas of highest probability of zoonotic spillover and to determine cost-effective monitoring and mitigation approaches; and

(L) other relevant activities described in section 1076 that are within the mandate of the United States Agency for International Development.

(3) IMMEDIATE RELIEF FUNDING TO STABILIZE PROTECTED AREAS.—The Administrator of the United States Agency for International Development and the Secretary of State are authorized to administer immediate relief funding to stabilize protected areas and conservancies.

(d) STAFFING REQUIREMENTS.—The Administrator of the United States Agency for International Development, in collaboration with the United States Fish and Wildlife Service, the United States Department of Agriculture Animal and Plant Health Inspection Service, the Centers for Disease Control and Prevention, and other Federal entities as appropriate, is authorized to hire additional personnel—

(1) to undertake programs aimed at reducing the risks of endemic and emerging infectious diseases and exposure to antimicrobial resistant pathogens;

(2) to provide administrative support and resources to ensure effective and efficient coordination of funding opportunities and sharing of expertise from relevant United States Agency for International Development bureaus and programs, including emerging pandemic threats;

(3) to award funding to on-the-ground projects;

(4) to provide project oversight to ensure accountability and transparency in all phases of the award process; and

(5) to undertake additional activities under this subtitle.

(e) REPORTING REQUIREMENTS.—

(1) UNITED STATES DEPARTMENT OF STATE.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter until 2030, the Secretary of State and the Administrator of the United States Agency for International Development shall submit to the appropriate congressional committees a report—

(i) describing—

(I) the actions taken pursuant to this subtitle, including through the application of findings and recommendations generated from the study required by section 1073 and the provision of United States technical assistance;

(II) the impact and effectiveness of international cooperation on shutting down wildlife markets;

(III) the impact and effectiveness of international cooperation on disrupting, deterring, and ultimately ending wildlife trafficking; and

(IV) the impact and effectiveness of international cooperation on preventing the import, export, and domestic commercial trade in live wildlife for the purpose of human use as food or medicine, while accounting for the differentiated needs of vulnerable populations who depend upon such wildlife as a predominant source of meat or protein; and

(ii) identifying—

(I) foreign countries that continue to enable the operation of wildlife markets as defined by this subtitle and the associated trade of wildlife products for human use as food or medicine that feeds such markets;

(II) foreign governments, networks, or individuals who aid and abet or otherwise facilitate illicit wildlife trafficking; and

(III) recommendations for incentivizing or enforcing compliance with laws and policies to close wildlife markets that contain taxa listed pursuant to section 1074 and uncontrolled, unsanitary, or illicit wildlife markets and end the associated commercial trade in live wildlife for human use as food or medicine, which may include visa restrictions and other diplomatic or economic tools.

(B) FORM.—The report required under this paragraph shall be submitted in unclassified form, but may include a classified annex.

(2) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the United States Agency for International Development shall submit to the appropriate congressional committees a report—

(A) describing the actions taken pursuant to this subtitle;

(B) describing the impact and effectiveness of key strategies for reducing demand for consumption of such wildlife and associated wildlife markets;

(C) summarizing additional personnel hired with funding authorized under this subtitle, including the number hired in each bureau; and

(D) describing partnerships developed with other institutions of higher learning and nongovernmental organizations.

SEC. 1078. PROHIBITION OF IMPORT, EXPORT, AND SALE OF CERTAIN LIVE WILD ANIMALS FOR HUMAN CONSUMPTION.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 3 of title 18, United States Code, is amended by inserting after section 43 the following:

"SEC. 44. PROHIBITION OF IMPORT, EXPORT, AND SALE OF CERTAIN LIVE WILD ANIMALS FOR HUMAN CONSUMPTION.

''(a) DEFINITIONS.—In this section—

''(1) the phrase 'human consumption' shall include all consumption as food or medicine except consumption that is incidental to legal and regulated hunting, fishing, or trapping activities for subsistence, sport, or recreation;

''(2) the term 'live wild animal' means a live wild mammal, bird, reptile, or amphibian, whether or not bred, hatched, or born in captivity with the exception of ruminants; and

''(3) the term 'wild' has the meaning given that term in section 42.

''(b) PROHIBITIONS.—It shall be unlawful for any person—

''(1) to import or export any live wild animal for human consumption as food or medicine;

''(2) to sell for human consumption as food or medicine a live wild animal, including through sale or purchase at a live animal market; or

''(3) to attempt to commit any act described in paragraph (1) or (2).

''(c) PENALTIES.—

''(1) IN GENERAL.—Any person who knowingly violates subsection (b) shall be fined not more than $100,000, imprisoned for not more than 5 years, or both.

''(2) MULTIPLE VIOLATIONS.—Each violation of subsection (b) shall constitute a separate offense.

''(3) VENUE.—A violation of subsection (b) may be prosecuted in the judicial district in which the violation first occurred and any judicial district in which the defendant sold the live wild animal.

''(d) ENFORCEMENT.—The provisions of this section, and any regulations issued pursuant thereto, shall be enforced by the Secretary of the Interior. The Secretary of the Interior may utilize by agreement, with or without reimbursement, the personnel, services, equipment, and facilities of any other Federal agency or any State agency or Indian Tribe for purposes of enforcing this section.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 3 of title 18, United States Code, is amended by inserting after the item relating to section 43 the following:

''44. Prohibition of import, export, and sale of certain live wild animals for human consumption.''.

(b) FUNDING.—There is authorized to be appropriated to carry out section 44 of title 18, United States Code, as added by subsection (a)—

(1) $25,000,000 for each of fiscal years 2021 through 2030 for the United States Fish and Wildlife Service; and

(2) $10,000, 000 for each of fiscal years 2021 through 2030 for the Department of Justice.

SEC. 1079. LAW ENFORCEMENT ATTACHÉ DEPLOYMENT.

(a) IN GENERAL.—Beginning in fiscal year 2021, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, in consultation with the Secretary of State, shall require the Chief of Law Enforcement of the United States Fish and Wildlife Service to hire, train, and deploy not fewer than 50 new United States Fish and Wildlife Service law enforcement attachés, and appropriate additional support staff, at one or more United States embassies, consulates, commands, or other facilities—

(1) in one or more countries designated as a focus country or a country of concern in the most recent report submitted under section 201 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7621); and

(2) in such additional countries or regions, as determined by the Secretary of Interior, that are known or suspected to be a source of illegal trade of species listed—

(A) as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(B) under appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087; TIAS 8249).

(b) FUNDING.—There is authorized to be appropriated to carry out this section $150,000,000 for each of fiscal years 2021 through 2030.

SEC. 1080. ONE HEALTH TASK FORCE.

(a) ESTABLISHMENT.—There is established a task force to be known as the ''One Health Task Force''.

(b) DUTIES OF TASK FORCE.—The duties of the Task Force shall be to—

(1) ensure an integrated approach across the Federal Government and globally to the prevention of, early detection of, preparedness for, and response to zoonotic spillover and the outbreak and transmission of zoonotic diseases that may pose a threat to public health security;

(2) not later than 1 year after the date of the enactment of this Act, develop and publish, on a publicly accessible website, a plan

for global biosecurity and zoonotic disease prevention and response that leverages expertise in public health, consumer education and communication, behavior change, wildlife health, wildlife conservation, livestock production, veterinary health, food safety, sustainable forest management, community-based conservation, rural food security, and indigenous rights to coordinate zoonotic disease surveillance internationally, including support for One Health institutions around the world that can prevent and provide early detection of zoonotic outbreaks; and

(3) expand the scope of the implementation of the White House's Global Health Security Strategy to more robustly support the prevention of zoonotic spillover and respond to zoonotic disease investigations and outbreaks by establishing a 10-year strategy with specific Federal Government domestic and international goals, priorities, and timelines for action, including to—

(A) recommend policy actions and mechanisms in developing countries to reduce the risk of zoonotic spillover and zoonotic disease emergence and transmission, including in support of those activities described in section 1077;

(B) identify new mandates, authorities, and incentives needed to strengthen the global zoonotic disease plan under paragraph (2);

(C) define and list priority areas as countries or regions determined to be of high risk for zoonotic disease emergence, as well as based on, but not limited to, factors that include wildlife biodiversity, livestock production, human population density, and active drivers of disease emergence such as land use change, including forest degradation and loss, intensification of livestock production, and wildlife trade;

(D) prioritize engagement in programs that target tropical countries and regions experiencing high rates of biodiversity loss, deforestation, forest degradation, and land conversion and countries with significant markets for live wildlife for human consumption; and

(E) identify and recommend actions to address existing gaps in efforts to prevent and respond to domestic zoonotic disease emergence and transmission.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The members of the Task Force established pursuant to subsection (a) shall be composed of representatives from each of the following agencies:

(A) One permanent Chairperson at the level of Deputy Assistant Secretary or above from the following agencies, to rotate every 2 years in an order to be determined by the Administrator:

(i) The Department of Agriculture or the Animal and Plant Health Inspection Service.

(ii) The Department of Health and Human Services or the Centers for Disease Control and Prevention.

(iii) The Department of the Interior or the United States Fish and Wildlife Service.

(iv) The Department of State.

(v) The United States Agency for International Development.

(vi) The National Security Council.

(B) At least 13 additional members, with at least 1 from each of the following agencies:

(i) The Centers for Disease Control and Prevention.

(ii) The Department of Agriculture.

(iii) The Department of Defense.

(iv) The Department of State.

(v) The Environmental Protection Agency.

(vi) The National Science Foundation.

(vii) The National Institutes of Health.

(viii) The National Institute of Standards and Technology.

(ix) The Office of Science and Technology Policy.

(x) The United States Agency for International Development.

(xi) The United States Fish and Wildlife Service.

(xii) The Department of Homeland Security, FEMA.

(xiii) United States Customs and Border Protection.

(2) TIMING OF APPOINTMENTS.—Appointments to the Task Force shall be made not later than 30 days after the date of the enactment of this Act.

(3) TERMS.—

(A) IN GENERAL.—Each member shall be appointed for a term of 2 years.

(B) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that term until a successor has been appointed.

(d) MEETING.—

(1) INITIAL MEETING.—The Task Force shall hold its initial meeting not later than 45 days after the final appointment of all members under subsection (c)(2).

(2) MEETINGS.—

(A) IN GENERAL.—The Task Force shall meet at the call of the Chairperson.

(B) QUORUM.—Eight members of the Task Force shall constitute a quorum, but a lesser number may hold hearings.

(e) COMPENSATION.—

(1) PROHIBITION OF COMPENSATION.—Except as provided in paragraph (2), members of the Task Force may not receive additional pay, allowances, or benefits by reason of their service on the Task Force.

(2) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(f) REPORTS.—

(1) REPORT TO TASK FORCE.—Not later than 6 months after the date of the enactment of this Act and annually thereafter, the Federal agencies listed in subsection (c) shall submit a report to the Task Force containing a detailed statement with respect to the results of any programming within their agencies that addresses the goals of zoonotic spillover and disease prevention.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act and annually thereafter, the Task Force shall submit to the appropriate congressional committees and the National Security Advisor a report containing a detailed statement of the recommendations of the Council pursuant to subsection (b).

(g) FACA.—Section 14(a)(2)(B) of the Federal Advisory Committee Act shall not apply to the Task Force. This task force shall be authorized for 7 years after the date of the enactment of this Act and up to an additional 2 years at the discretion of the Task Force Chair.

SEC. 1081. RESERVATION OF RIGHTS.

Nothing in this subtitle shall restrict or otherwise prohibit—

(1) legal and regulated hunting, fishing, or trapping activities for subsistence, sport, or recreation; or

(2) the lawful domestic and international transport of legally harvested fish or wildlife trophies.

SA 4779. Mr. PETERS (for himself, Mr. PORTMAN, and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—INSPECTORS GENERAL

SEC. 5101. SHORT TITLE.

This division may be cited as the ''Afghanistan Vetting Review, the IG Testimonial Subpoena Authority, and Inspector General Access Act of 2021''.

TITLE LI—TESTIMONIAL SUBPOENA AUTHORITY FOR INSPECTORS GENERAL

SEC. 5111. SHORT TITLE.

This title may be cited as the ''IG Testimonial Subpoena Authority Act''.

SEC. 5112. ADDITIONAL AUTHORITY PROVISIONS FOR INSPECTORS GENERAL.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting after section 6 the following:

''SEC. 6A. ADDITIONAL AUTHORITY.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Chairperson' means the Chairperson of the Council of the Inspectors General on Integrity and Efficiency;

''(2) the term 'Inspector General'—

''(A) means an Inspector General of an establishment or a designated Federal entity (as defined in section 8G(a)); and

''(B) includes—

''(i) the Inspector General of the Central Intelligence Agency established under section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517);

''(ii) the Inspector General of the Intelligence Community established under section 103H of the National Security Act of 1947 (50 U.S.C. 3033);

''(iii) the Special Inspector General for Afghanistan Reconstruction established under section 1229 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 379);

''(iv) the Special Inspector General for the Troubled Asset Relief Plan established under section 121 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231); and

''(v) the Special Inspector General for Pandemic Recovery established under section 4018 of the CARES Act (15 U.S.C. 9053); and

''(3) the term 'Subpoena Panel' means the panel to which requests for approval to issue a subpoena are submitted under subsection (e).

''(b) TESTIMONIAL SUBPOENA AUTHORITY.—

''(1) IN GENERAL.—In addition to the authority otherwise provided by this Act and in accordance with the requirements of this section, each Inspector General, in carrying out the provisions of this Act or the provisions of the authorizing statute of the Inspector General, as applicable, is authorized to require by subpoena the attendance and testimony of witnesses as necessary in the performance of an audit, inspection, evaluation, or investigation, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.

''(2) PROHIBITION.—An Inspector General may not require by subpoena the attendance and testimony of a Federal employee or employee of a designated Federal entity, but may use other authorized procedures.

''(3) DETERMINATION BY INSPECTOR GENERAL.—The determination of whether a matter constitutes an audit, inspection, evaluation, or investigation shall be at the discretion of the applicable Inspector General.

''(c) LIMITATION ON DELEGATION.—The authority to issue a subpoena under subsection

(b) may only be delegated to an official performing the functions and duties of an Inspector General when the Inspector General position is vacant or when the Inspector General is unable to perform the functions and duties of the Office of the Inspector General.

''(d) NOTICE TO ATTORNEY GENERAL.—

''(1) IN GENERAL.—Not less than 10 days before submitting a request for approval to issue a subpoena to the Subpoena Panel under subsection (e), an Inspector General shall—

''(A) notify the Attorney General of the plan of the Inspector General to issue the subpoena; and

''(B) take into consideration any information provided by the Attorney General relating to the subpoena.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prevent an Inspector General from submitting to the Subpoena Panel under subsection (e) a request for approval to issue a subpoena if 10 or more days have elapsed since the date on which the Inspector General submits to the Attorney General the notification required under paragraph (1)(A) with respect to that subpoena.

''(e) PANEL REVIEW BEFORE ISSUANCE.—

''(1) APPROVAL REQUIRED.—

''(A) REQUEST FOR APPROVAL BY SUBPOENA PANEL.—Before the issuance of a subpoena described in subsection (b), an Inspector General shall submit to a panel a request for approval to issue the subpoena, which shall include a determination by the Inspector General that—

''(i) the testimony is likely to be reasonably relevant to the audit, inspection, evaluation, or investigation for which the subpoena is sought; and

''(ii) the information to be sought cannot be reasonably obtained through other means.

''(B) COMPOSITION OF SUBPOENA PANEL.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), a Subpoena Panel shall be comprised of 3 inspectors general appointed by the President and confirmed by the Senate, who shall be randomly drawn by the Chairperson or a designee of the Chairperson from a pool of all such inspectors general.

''(ii) CLASSIFIED INFORMATION.—If consideration of a request for a subpoena submitted under subparagraph (A) would require access to classified information, the Chairperson or a designee of the Chairperson may limit the pool of inspectors general described in clause (i) to appropriately cleared inspectors general.

''(iii) CONFIRMATION OF AVAILABILITY.—If an inspector general drawn from the pool described in clause (i) does not confirm their availability to serve on the Subpoena Panel within 24 hours of receiving a notification from the Chairperson or a designee of the Chairperson regarding selection for the Subpoena Panel, the Chairperson or a designee of the Chairperson may randomly draw a new inspector general from the pool to serve on the Subpoena Panel.

''(C) CONTENTS OF REQUEST.—The request described in subparagraph (A) shall include any information provided by the Attorney General related to the subpoena, which the Attorney General requests that the Subpoena Panel consider.

''(D) PROTECTION FROM DISCLOSURE.—

''(i) IN GENERAL.—The information contained in a request submitted by an Inspector General under subparagraph (A) and the identification of a witness shall be protected from disclosure to the extent permitted by law.

''(ii) REQUEST FOR DISCLOSURE.—Any request for disclosure of the information described in clause (i) shall be submitted to the Inspector General requesting the subpoena.

''(2) TIME TO RESPOND.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Subpoena Panel shall approve or deny a request for approval to issue a subpoena submitted under paragraph (1) not later than 10 days after the submission of the request.

''(B) ADDITIONAL INFORMATION FOR PANEL.—If the Subpoena Panel determines that additional information is necessary to approve or deny a request for approval to issue a subpoena submitted by an Inspector General under paragraph (1), the Subpoena Panel shall—

''(i) request that information; and

''(ii) approve or deny the request for approval submitted by the Inspector General not later than 20 days after the Subpoena Panel submits the request for information under clause (i).

''(3) APPROVAL BY PANEL.—If all members of the Subpoena Panel unanimously approve a request for approval to issue a subpoena submitted by an Inspector General under paragraph (1), the Inspector General may issue the subpoena.

''(4) NOTICE TO COUNCIL AND ATTORNEY GENERAL.—Upon issuance of a subpoena by an Inspector General under subsection (b), the Inspector General shall provide contemporaneous notice of such issuance to the Chairperson or a designee of the Chairperson and to the Attorney General.

''(f) SEMIANNUAL REPORTING.—On or before May 31, 2022, and every 6 months thereafter, the Council of the Inspectors General on Integrity and Efficiency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, and the Comptroller General of the United States a report on the use of subpoenas described in subsection (b) in any audit, inspection, evaluation, or investigation that concluded during the immediately preceding 6-month periods ending March 31 and September 30, which shall include—

''(1) a list of each Inspector General that has submitted a request for approval of a subpoena to the Subpoena Panel;

''(2) for each applicable Inspector General, the number of subpoenas submitted to the Subpoena Panel, approved by the Subpoena Panel, and disapproved by the Subpoena Panel;

''(3) for each subpoena submitted to the Subpoena Panel for approval—

''(A) an anonymized description of the individual or organization to whom the subpoena was directed;

''(B) the date on which the subpoena request was sent to the Attorney General, the date on which the Attorney General responded, and whether the Attorney General provided information regarding the subpoena request, including whether the Attorney General opposed issuance of the proposed subpoena;

''(C) the members of the Subpoena Panel considering the subpoena;

''(D) the date on which the subpoena request was sent to the Subpoena Panel, the date on which the Subpoena Panel approved or disapproved the subpoena request, and the decision of the Subpoena Panel; and

''(E) the date on which the subpoena was issued, if approved; and

''(4) any other information the Council of the Inspectors General on Integrity and Efficiency considers appropriate to include.

''(g) TRAINING AND STANDARDS.—The Council of the Inspectors General on Integrity and Efficiency, in consultation with the Attorney General, shall promulgate standards and provide training relating to the issuance of subpoenas, conflicts of interest, and any other matter the Council determines necessary to carry out this section.

''(h) APPLICABILITY.—The provisions of this section shall not affect the exercise of authority by an Inspector General of testimonial subpoena authority established under another provision of law.

''(i) TERMINATION.—The authorities provided under subsection (b) shall terminate on January 1, 2027, provided that this subsection shall not affect the enforceability of a subpoena issued on or before December 31, 2026.'';

(2) in section 5(a), as amended by section 903 of this Act—

(A) in paragraph (16)(B), as so redesignated, by striking the period at the end and inserting ''; and''; and

(B) by adding at the end the following:

''(17) a description of the use of subpoenas for the attendance and testimony of certain witnesses authorized under section 6A.''; and

(3) in section 8G(g)(1), by inserting ''6A,'' before ''and 7''.

SEC. 5113. REVIEW BY THE COMPTROLLER GENERAL.

Not later than January 1, 2026, the Comptroller General of the United States shall submit to the appropriate congressional committees a report reviewing the use of testimonial subpoena authority, which shall include—

(1) a summary of the information included in the semiannual reports to Congress under section 6A(f) of the Inspector General Act of 1978 (5 U.S.C. App.), as added by this title, including an analysis of any patterns and trends identified in the use of the authority during the reporting period;

(2) a review of subpoenas issued by inspectors general on and after the date of enactment of this Act to evaluate compliance with this Act by the respective inspector general, the Subpoena Panel, and the Council of the Inspectors General on Integrity and Efficiency; and

(3) any additional analysis, evaluation, or recommendation based on observations or information gathered by the Comptroller General of the United States during the course of the review.

TITLE LII—INVESTIGATIONS OF DEPARTMENT OF JUSTICE PERSONNEL

SEC. 5121. SHORT TITLE.

This title may be cited as the ''Inspector General Access Act of 2021''.

SEC. 5122. INVESTIGATIONS OF DEPARTMENT OF JUSTICE PERSONNEL.

Section 8E of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''and paragraph (3)'';

(B) by striking paragraph (3);

(C) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(D) in paragraph (4), as redesignated, by striking ''paragraph (4)'' and inserting ''paragraph (3)''; and

(2) in subsection (d), by striking '', except with respect to allegations described in subsection (b)(3),''.

TITLE LIII—REVIEW RELATING TO AFGHANISTAN RESETTLEMENT AND SPECIAL IMMIGRANT VISA PROGRAM

SEC. 5131. REVIEW RELATING TO VETTING, PROCESSING, AND RESETTLEMENT OF EVACUEES FROM AFGHANISTAN AND THE AFGHANISTAN SPECIAL IMMIGRANT VISA PROGRAM.

(a) IN GENERAL.—In accordance with the Inspector General Act of 1978 (5 U.S.C. App.), the Inspector General of the Department of Homeland Security, jointly with the Inspector General of the Department of State, and in coordination with any appropriate inspector general established by that Act or section 103H of the National Security Act of 1947

(50 U.S.C. 3033), shall conduct a thorough review of efforts to support and process evacuees from Afghanistan and the Afghanistan special immigrant visa program.

(b) ELEMENTS.—The review required by subsection (a) shall include an assessment of the systems, staffing, policies, and programs used—

(1) to the screen and vet such evacuees, including—

(A) an assessment of whether personnel conducting such screening and vetting were appropriately authorized and provided with training, including training in the detection of fraudulent personal identification documents;

(B) an analysis of the degree to which such screening and vetting deviated from United States law, regulations, policy, and best practices relating to—

(i) the screening and vetting of parolees, refugees, and applicants for United States visas that have been in use at any time since January 1, 2016, particularly for individuals from countries with active terrorist organizations; and

(ii) the screening and vetting of parolees, refugees, and applicants for United States visas pursuant to any mass evacuation effort since 1975, particularly for individuals from countries with active terrorist organizations;

(C) an identification of any risk to the national security of the United States posed by any such deviations;

(D) an analysis of the processes used for evacuees traveling without personal identification records, including the creation or provision of any new identification records to such evacuees; and

(E) an analysis of the degree to which such screening and vetting process was capable of detecting—

(i) instances of human trafficking and domestic abuse;

(ii) evacuees who are unaccompanied minors; and

(iii) evacuees with a spouse that is a minor;

(2) to admit and process such evacuees at United States ports of entry;

(3) to temporarily house such evacuees prior to resettlement;

(4) to account for the total number of individual evacuated from Afghanistan in 2021 with support of the United States Government, disaggregated by—

(A) country of origin;

(B) age;

(C) gender;

(D) eligibility for special immigrant visas under the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) or section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163) at the time of evacuation;

(E) eligibility for employment-based nonimmigrant visas at the time of evacuation; and

(F) familial relationship to evacuees who are eligible for visas described in subparagraphs (D) and (E); and

(5) to provide eligible individuals with special immigrant visas under the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) and section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163) since the date of the enactment of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8), including—

(A) a detailed step-by-step description of the application process for such special immigrant visas, including the number of days allotted by the United States Government for the completion of each step;

(B) the number of such special immigrant visa applications received, approved, and denied, disaggregated by fiscal year;

(C) the number of such special immigrant visas issued, as compared to the number available under law, disaggregated by fiscal year;

(D) an assessment of the average length of time taken to process an application for such a special immigrant visa, beginning on the date of submission of the application and ending on the date of final disposition, disaggregated by fiscal year;

(E) an accounting of the number of applications for such special immigrant visas that remained pending at the end of each fiscal year;

(F) an accounting of the number of interviews of applicants for such special immigrant visas conducted during each fiscal year;

(G) the number of noncitizens who were admitted to the United States pursuant to such a special immigrant visa during each fiscal year;

(H) an assessment of the extent to which each participating department or agency of the United States Government, including the Department of State and the Department of Homeland Security, adjusted processing practices and procedures for such special immigrant visas so as to vet applicants and expand processing capacity since the February 29, 2020, Doha Agreement between the United States and the Taliban;

(I) a list of specific steps, if any, taken between February 29, 2020, and August 31, 2021—

(i) to streamline the processing of applications for such special immigrant visas; and

(ii) to address longstanding bureaucratic hurdles while improving security protocols;

(J) a description of the degree to which the Secretary of State implemented recommendations made by the Department of State Office of Inspector General in its June 2020 reports on Review of the Afghan Special Immigrant Visa Program (AUD-MERO-20-35) and Management Assistance Report: Quarterly Reporting on Afghan Special Immigrant Visa Program Needs Improvement (AUD-MERO-20-34);

(K) an assessment of the extent to which challenges in verifying applicants' employment with the Department of Defense contributed to delays in the processing of such special immigrant visas, and an accounting of the specific steps taken since February 29, 2020, to address issues surrounding employment verification; and

(L) recommendations to strengthen and streamline such special immigrant visa process going forward.

(c) INTERIM REPORTING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security and the Inspector General of the Department of State shall submit to the appropriate congressional committees not fewer than one interim report on the review conducted under this section.

(2) FORM.—Any report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) DEFINITIONS.—In this subsection:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' has the meaning given the term in section 12 of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by this Act.

(B) SCREEN; SCREENING.—The terms ''screen'' and ''screening'', with respect to an evacuee, mean the process by which a Federal official determines—

(i) the identity of the evacuee;

(ii) whether the evacuee has a valid identification documentation; and

(iii) whether any database of the United States Government contains derogatory information about the evacuee.

(C) VET; VETTING.—The term ''vet'' and ''vetting'', with respect to an evacuee, means the process by which a Federal official interviews the evacuee to determine whether the evacuee is who they purport to be, including whether the evacuee poses a national security risk.

(d) DISCHARGE OF RESPONSIBILITIES.—The Inspector General of the Department of Homeland Security and the Inspector General of the Department of State shall discharge the responsibilities under this section in a manner consistent with the authorities and requirements of the Inspector General Act of 1978 (5 U.S.C. App.) and the authorities and requirements applicable to the Inspector General of the Department of Homeland Security and the Inspector General of the Department of State under that Act.

(e) COORDINATION.—Upon request of an Inspector General for information or assistance under subsection (a), the head of any Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency from which the information is requested, furnish to such Inspector General, or to an authorized designee, such information or assistance.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of the Inspector General of the Department of Homeland Security or the Inspector General of the Department of State to enter into agreements to conduct joint audits, inspections, or investigations in the exercise of the oversight responsibilities of the Inspector General of the Department of Homeland Security and the Inspector General of the Department of State, in accordance with the Inspector General Act of 1978 (5 U.S.C. App.), with respect to oversight of the evacuation from Afghanistan, the selection, vetting, and processing of applicants for special immigrant visas and asylum, and any resettlement in the United States of such evacuees.

SA 4780. Mr. PETERS (for himself, Mr. PORTMAN, and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—INSPECTOR GENERAL INDEPENDENCE AND EMPOWERMENT ACT OF 2021

SEC. 5101. SHORT TITLE.

This division may be cited as the ''Inspector General Independence and Empowerment Act of 2021''.

TITLE LI—INSPECTOR GENERAL INDEPENDENCE

SEC. 5111. SHORT TITLE.

This title may be cited as the ''Securing Inspector General Independence Act of 2021''.

SEC. 5112. REMOVAL OR TRANSFER OF INSPECTORS GENERAL; PLACEMENT ON NON-DUTY STATUS.

(a) IN GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 3(b)—

(A) by inserting ''(1)(A)'' after ''(b)'';

(B) in paragraph (1), as so designated—

(i) in subparagraph (A), as so designated, in the second sentence—

(I) by striking ''reasons'' and inserting the following: ''substantive rationale, including detailed and case-specific reasons,''; and

(II) by inserting ''(including to the appropriate congressional committees)'' after ''Houses of Congress''; and

(ii) by adding at the end the following:

''(B) If there is an open or completed inquiry into an Inspector General that relates to the removal or transfer of the Inspector General under subparagraph (A), the written communication required under that subparagraph shall—

''(i) identify each entity that is conducting, or that conducted, the inquiry; and

''(ii) in the case of a completed inquiry, contain the findings made during the inquiry.''; and

(C) by adding at the end the following:

''(2)(A) Subject to the other provisions of this paragraph, only the President may place an Inspector General on non-duty status.

''(B) If the President places an Inspector General on non-duty status, the President shall communicate in writing the substantive rationale, including detailed and case-specific reasons, for the change in status to both Houses of Congress (including to the appropriate congressional committees) not later than 15 days before the date on which the change in status takes effect, except that the President may submit that communication not later than the date on which the change in status takes effect if—

''(i) the President has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

''(ii) in the communication, the President includes a report on the determination described in clause (i), which shall include—

''(I) a specification of which clause of section 6329b(b)(2)(A) of title 5, United States Code, the President has determined applies under clause (i) of this subparagraph;

''(II) the substantive rationale, including detailed and case-specific reasons, for the determination made under clause (i);

''(III) an identification of each entity that is conducting, or that conducted, any inquiry upon which the determination under clause (i) was made; and

''(IV) in the case of an inquiry described in subclause (III) that is completed, the findings made during that inquiry.

''(C) The President may not place an Inspector General on non-duty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (1)(A) unless the President—

''(i) has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

''(ii) not later than the date on which the change in status takes effect, submits to both Houses of Congress (including to the appropriate congressional committees) a written communication that contains the information required under subparagraph (B), including the report required under clause (ii) of that subparagraph.

''(D) For the purposes of this paragraph—

''(i) the term 'Inspector General'—

''(I) means an Inspector General who was appointed by the President, without regard to whether the Senate provided advice and consent with respect to that appointment; and

''(II) includes the Inspector General of an establishment, the Inspector General of the Intelligence Community, the Inspector General of the Central Intelligence Agency, the Special Inspector General for Afghanistan Reconstruction, the Special Inspector General for the Troubled Asset Relief Program, and the Special Inspector General for Pandemic Recovery; and

''(ii) a reference to the removal or transfer of an Inspector General under paragraph (1), or to the written communication described in that paragraph, shall be considered to be—

''(I) in the case of the Inspector General of the Intelligence Community, a reference to section 103H(c)(4) of the National Security Act of 1947 (50 U.S.C. 3033(c)(4));

''(II) in the case of the Inspector General of the Central Intelligence Agency, a reference to section 17(b)(6) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(b)(6));

''(III) in the case of the Special Inspector General for Afghanistan Reconstruction, a reference to section 1229(c)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 378);

''(IV) in the case of the Special Inspector General for the Troubled Asset Relief Program, a reference to section 121(b)(4) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231(b)(4)); and

''(V) in the case of the Special Inspector General for Pandemic Recovery, a reference to section 4018(b)(3) of the CARES Act (15 U.S.C. 9053(b)(3)).''; and

(2) in section 8G(e)—

(A) in paragraph (1), by inserting ''or placement on non-duty status'' after ''a removal'';

(B) in paragraph (2)—

(i) by inserting ''(A)'' after ''(2)'';

(ii) in subparagraph (A), as so designated, in the first sentence—

(I) by striking ''reasons'' and inserting the following: ''substantive rationale, including detailed and case-specific reasons,''; and

(II) by inserting ''(including to the appropriate congressional committees)'' after ''Houses of Congress''; and

(iii) by adding at the end the following:

''(B) If there is an open or completed inquiry into an Inspector General that relates to the removal or transfer of the Inspector General under subparagraph (A), the written communication required under that subparagraph shall—

''(i) identify each entity that is conducting, or that conducted, the inquiry; and

''(ii) in the case of a completed inquiry, contain the findings made during the inquiry.''; and

(C) by adding at the end the following:

''(3)(A) Subject to the other provisions of this paragraph, only the head of the applicable designated Federal entity (referred to in this paragraph as the 'covered official') may place an Inspector General on non-duty status.

''(B) If a covered official places an Inspector General on non-duty status, the covered official shall communicate in writing the substantive rationale, including detailed and case-specific reasons, for the change in status to both Houses of Congress (including to the appropriate congressional committees) not later than 15 days before the date on which the change in status takes effect, except that the covered official may submit that communication not later than the date on which the change in status takes effect if—

''(i) the covered official has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

''(ii) in the communication, the covered official includes a report on the determination described in clause (i), which shall include—

''(I) a specification of which clause of section 6329b(b)(2)(A) of title 5, United States Code, the covered official has determined applies under clause (i) of this subparagraph;

''(II) the substantive rationale, including detailed and case-specific reasons, for the determination made under clause (i);

''(III) an identification of each entity that is conducting, or that conducted, any inquiry upon which the determination under clause (i) was made; and

''(IV) in the case of an inquiry described in subclause (III) that is completed, the findings made during that inquiry.

''(C) A covered official may not place an Inspector General on non-duty status during the 30-day period preceding the date on which the Inspector General is removed or transferred under paragraph (2)(A) unless the covered official—

''(i) has made a determination that the continued presence of the Inspector General in the workplace poses a threat described in any of clauses (i) through (iv) of section 6329b(b)(2)(A) of title 5, United States Code; and

''(ii) not later than the date on which the change in status takes effect, submits to both Houses of Congress (including to the appropriate congressional committees) a written communication that contains the information required under subparagraph (B), including the report required under clause (ii) of that subparagraph.

''(D) Nothing in this paragraph may be construed to limit or otherwise modify—

''(i) any statutory protection that is afforded to an Inspector General; or

''(ii) any other action that a covered official may take under law with respect to an Inspector General.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 12(3) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting ''except as otherwise expressly provided,'' before ''the term''.

SEC. 5113. VACANCY IN POSITION OF INSPECTOR GENERAL.

(a) IN GENERAL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(h)(1) In this subsection—

''(A) the term 'first assistant to the position of Inspector General' means, with respect to an Office of Inspector General—

''(i) an individual who, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position—

''(I) is serving in a position in that Office; and

''(II) has been designated in writing by the Inspector General, through an order of succession or otherwise, as the first assistant to the position of Inspector General; or

''(ii) if the Inspector General has not made a designation described in clause (i)(II)—

''(I) the Principal Deputy Inspector General of that Office, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position; or

''(II) if there is no Principal Deputy Inspector General of that Office, the Deputy Inspector General of that Office, as of the day before the date on which the Inspector General dies, resigns, or otherwise becomes unable to perform the functions and duties of that position; and

''(B) the term 'Inspector General'—

''(i) means an Inspector General who is appointed by the President, by and with the advice and consent of the Senate; and

''(ii) includes the Inspector General of an establishment, the Inspector General of the Intelligence Community, the Inspector General of the Central Intelligence Agency, the Special Inspector General for the Troubled Asset Relief Program, and the Special Inspector General for Pandemic Recovery.

''(2) If an Inspector General dies, resigns, or is otherwise unable to perform the functions and duties of the position—

''(A) section 3345(a) of title 5, United States Code, and section 103(e) of the National Security Act of 1947 (50 U.S.C. 3025(e)) shall not apply;

''(B) subject to paragraph (4), the first assistant to the position of Inspector General shall perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code; and

''(C) notwithstanding subparagraph (B), and subject to paragraphs (4) and (5), the President (and only the President) may direct an officer or employee of any Office of an Inspector General to perform the functions and duties of the Inspector General temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code, only if—

''(i) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the Inspector General, the officer or employee served in a position in an Office of an Inspector General for not less than 90 days, except that—

''(I) the requirement under this clause shall not apply if the officer is an Inspector General; and

''(II) for the purposes of this subparagraph, performing the functions and duties of an Inspector General temporarily in an acting capacity does not qualify as service in a position in an Office of an Inspector General;

''(ii) the rate of pay for the position of the officer or employee described in clause (i) is equal to or greater than the minimum rate of pay payable for a position at GS–15 of the General Schedule;

''(iii) the officer or employee has demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations; and

''(iv) not later than 30 days before the date on which the direction takes effect, the President communicates in writing to both Houses of Congress (including to the appropriate congressional committees) the substantive rationale, including the detailed and case-specific reasons, for such direction, including the reason for the direction that someone other than the individual who is performing the functions and duties of the Inspector General temporarily in an acting capacity (as of the date on which the President issues that direction) perform those functions and duties temporarily in an acting capacity.

''(3) Notwithstanding section 3345(a) of title 5, United States Code, section 103(e) of the National Security Act of 1947 (50 U.S.C. 3025(e)), and subparagraphs (B) and (C) of paragraph (2), and subject to paragraph (4), during any period in which an Inspector General is on non-duty status—

''(A) the first assistant to the position of Inspector General shall perform the functions and duties of the position temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code; and

''(B) if the first assistant described in subparagraph (A) dies, resigns, or becomes otherwise unable to perform those functions and duties, the President (and only the President) may direct an officer or employee in that Office of Inspector General to perform those functions and duties temporarily in an acting capacity, subject to the time limitations of section 3346 of title 5, United States Code, if—

''(i) that direction satisfies the requirements under clauses (ii), (iii), and (iv) of paragraph (2)(C); and

''(ii) that officer or employee served in a position in that Office of Inspector General for not fewer than 90 of the 365 days preceding the date on which the President makes that direction.

''(4) An individual may perform the functions and duties of an Inspector General temporarily and in an acting capacity under subparagraph (B) or (C) of paragraph (2), or under paragraph (3), with respect to only 1 Inspector General position at any given time.

''(5) If the President makes a direction under paragraph (2)(C), during the 30-day period preceding the date on which the direction of the President takes effect, the functions and duties of the position of the applicable Inspector General shall be performed by—

''(A) the first assistant to the position of Inspector General; or

''(B) the individual performing those functions and duties temporarily in an acting capacity, as of the date on which the President issues that direction, if that individual is an individual other than the first assistant to the position of Inspector General.''.

(b) RULE OF CONSTRUCTION.—Nothing in the amendment made by subsection (a) may be construed to limit the applicability of sections 3345 through 3349d of title 5, United States Code (commonly known as the ''Federal Vacancies Reform Act of 1998''), other than with respect to section 3345(a) of that title.

(c) EFFECTIVE DATE.—

(1) DEFINITION.—In this subsection, the term ''Inspector General'' has the meaning given the term in subsection (h)(1)(B) of section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), as added by subsection (a) of this section.

(2) APPLICABILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), this section, and the amendments made by this section, shall take effect on the date of enactment of this Act.

(B) EXISTING VACANCIES.—If, as of the date of enactment of this Act, an individual is performing the functions and duties of an Inspector General temporarily in an acting capacity, this section, and the amendments made by this section, shall take effect with respect to that Inspector General position on the date that is 30 days after the date of enactment of this Act.

SEC. 5114. OFFICE OF INSPECTOR GENERAL WHISTLEBLOWER COMPLAINTS.

(a) WHISTLEBLOWER PROTECTION COORDINATOR.—Section 3(d)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in clause (i), in the matter preceding subclause (I), by inserting '', including employees of that Office of Inspector General'' after ''employees''; and

(2) in clause (iii), by inserting ''(including the Integrity Committee of that Council)'' after ''and Efficiency''.

(b) COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.—Section 11(c)(5)(B) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking '', allegations of reprisal,'' and inserting the following: ''and allegations of reprisal (including the timely and appropriate handling and consideration of protected disclosures and allegations of reprisal that are internal to an Office of Inspector General)''.

TITLE LII—PRESIDENTIAL EXPLANATION OF FAILURE TO NOMINATE AN INSPECTOR GENERAL

SEC. 5121. PRESIDENTIAL EXPLANATION OF FAILURE TO NOMINATE AN INSPECTOR GENERAL.

(a) IN GENERAL.—Subchapter III of chapter 33 of title 5, United States Code, is amended by inserting after section 3349d the following:

''§ 3349e. Presidential explanation of failure to nominate an inspector general

''If the President fails to make a formal nomination for a vacant inspector general position that requires a formal nomination by the President to be filled within the period beginning on the later of the date on which the vacancy occurred or on which a nomination is rejected, withdrawn, or returned, and ending on the day that is 210 days after that date, the President shall communicate, within 30 days after the end of such period and not later than June 1 of each year thereafter, to the appropriate congressional committees, as defined in section 12 of the Inspector General Act of 1978 (5 U.S.C. App.)—

''(1) the reasons why the President has not yet made a formal nomination; and

''(2) a target date for making a formal nomination.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter III of chapter 33 of title 5, United States Code, is amended by inserting after the item relating to section 3349d the following:

''3349e. Presidential explanation of failure to nominate an Inspector General.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect—

(1) on the date of enactment of this Act with respect to any vacancy first occurring on or after that date; and

(2) on the day that is 210 days after the date of enactment of this Act with respect to any vacancy that occurred before the date of enactment of this Act.

TITLE LIII—INTEGRITY COMMITTEE OF THE COUNCIL OF INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY TRANSPARENCY

SEC. 5131. SHORT TITLE.

This title may be cited as the ''Integrity Committee Transparency Act of 2021''.

SEC. 5132. ADDITIONAL INFORMATION TO BE INCLUDED IN REQUESTS AND REPORTS TO CONGRESS.

Section 11(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (5)(B)(ii), by striking the period at the end and inserting '', the length of time the Integrity Committee has been evaluating the allegation of wrongdoing, and a description of any previous written notice provided under this clause with respect to the allegation of wrongdoing, including the description provided for why additional time was needed.''; and

(2) in paragraph (8)(A)(ii), by inserting ''or corrective action'' after ''disciplinary action''.

SEC. 5133. AVAILABILITY OF INFORMATION TO CONGRESS ON CERTAIN ALLEGATIONS OF WRONGDOING CLOSED WITHOUT REFERRAL.

Section 11(d)(5)(B) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(iii) AVAILABILITY OF INFORMATION TO CONGRESS ON CERTAIN ALLEGATIONS OF WRONGDOING CLOSED WITHOUT REFERRAL.—

''(I) IN GENERAL.—With respect to an allegation of wrongdoing made by a member of Congress that is closed by the Integrity Committee without referral to the Chairperson of the Integrity Committee to initiate an investigation, the Chairperson of

the Integrity Committee shall, not later than 60 days after closing the allegation of wrongdoing, provide a written description of the nature of the allegation of wrongdoing and how the Integrity Committee evaluated the allegation of wrongdoing to—

''(aa) the Chair and Ranking Minority Member of the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(bb) the Chair and Ranking Minority Member of the Committee on Oversight and Reform of the House of Representatives.

''(II) REQUIREMENT TO FORWARD.—The Chairperson of the Integrity Committee shall forward any written description or update provided under this clause to the members of the Integrity Committee and to the Chairperson of the Council.''.

SEC. 5134. SEMIANNUAL REPORT.

Section 11(d)(9) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended to read as follows:

''(9) SEMIANNUAL REPORT.—On or before May 31, 2022, and every 6 months thereafter, the Council shall submit to Congress and the President a report on the activities of the Integrity Committee during the immediately preceding 6-month periods ending March 31 and September 30, which shall include the following with respect to allegations of wrongdoing that are made against Inspectors General and staff members of the various Offices of Inspector General described in paragraph (4)(C):

''(A) An overview and analysis of the allegations of wrongdoing disposed of by the Integrity Committee, including—

''(i) analysis of the positions held by individuals against whom allegations were made, including the duties affiliated with such positions;

''(ii) analysis of the categories or types of the allegations of wrongdoing; and

''(iii) a summary of disposition of all the allegations.

''(B) The number of allegations received by the Integrity Committee.

''(C) The number of allegations referred to the Department of Justice or the Office of Special Counsel, including the number of allegations referred for criminal investigation.

''(D) The number of allegations referred to the Chairperson of the Integrity Committee for investigation, a general description of the status of such investigations, and a summary of the findings of investigations completed.

''(E) An overview and analysis of allegations of wrongdoing received by the Integrity Committee during any previous reporting period, but remained pending during some part of the six months covered by the report, including—

''(i) analysis of the positions held by individuals against whom allegations were made, including the duties affiliated with such positions;

''(ii) analysis of the categories or types of the allegations of wrongdoing; and

''(iii) a summary of disposition of all the allegations.

''(F) The number and category or type of pending investigations.

''(G) For each allegation received—

''(i) the date on which the investigation was opened;

''(ii) the date on which the allegation was disposed of, as applicable; and

''(iii) the case number associated with the allegation.

''(H) The nature and number of allegations to the Integrity Committee closed without referral, including the justification for why each allegation was closed without referral.

''(I) A brief description of any difficulty encountered by the Integrity Committee when receiving, evaluating, investigating, or referring for investigation an allegation received by the Integrity Committee, including a brief description of—

''(i) any attempt to prevent or hinder an investigation; or

''(ii) concerns about the integrity or operations at an Office of Inspector General.

''(J) Other matters that the Council considers appropriate.''.

SEC. 5135. ADDITIONAL REPORTS.

Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating subsections (e) and (f) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (d) the following:

''(e) ADDITIONAL REPORTS.—

''(1) REPORT TO INSPECTOR GENERAL.—The Chairperson of the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency shall, immediately whenever the Chairperson of the Integrity Committee becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of an Office of Inspector General for which the Integrity Committee may receive, review, and refer for investigation allegations of wrongdoing under section 11(d), submit a report to the Inspector General who leads the Office at which the serious or flagrant problems, abuses, or deficiencies were alleged.

''(2) REPORT TO PRESIDENT, CONGRESS, AND THE ESTABLISHMENT.—Not later than 7 days after the date on which an Inspector General receives a report submitted under paragraph (1), the Inspector General shall submit to the President, the appropriate congressional committees, and the head of the establishment—

''(A) the report received under paragraph (1); and

''(B) a report by the Inspector General containing any comments the Inspector General determines appropriate.''.

SEC. 5136. REQUIREMENT TO REPORT FINAL DISPOSITION TO CONGRESS.

Section 11(d)(8)(B) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting ''and the appropriate congressional committees'' after ''Integrity Committee''.

SEC. 5137. INVESTIGATIONS OF OFFICES OF INSPECTORS GENERAL OF ESTABLISHMENTS BY THE INTEGRITY COMMITTEE.

Section 11(d)(7)(B)(i)(V) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting '', and that an investigation of an Office of Inspector General of an establishment is conducted by another Office of Inspector General of an establishment'' after ''size''.

TITLE LIV—TESTIMONIAL SUBPOENA AUTHORITY FOR INSPECTORS GENERAL

SEC. 5141. SHORT TITLE.

This title may be cited as the ''IG Testimonial Subpoena Authority Act''.

SEC. 5142. ADDITIONAL AUTHORITY PROVISIONS FOR INSPECTORS GENERAL.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting after section 6 the following:

''SEC. 6A. ADDITIONAL AUTHORITY.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Chairperson' means the Chairperson of the Council of the Inspectors General on Integrity and Efficiency;

''(2) the term 'Inspector General'—

''(A) means an Inspector General of an establishment or a designated Federal entity (as defined in section 8G(a)); and

''(B) includes—

''(i) the Inspector General of the Central Intelligence Agency established under section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517);

''(ii) the Inspector General of the Intelligence Community established under section 103H of the National Security Act of 1947 (50 U.S.C. 3033);

''(iii) the Special Inspector General for Afghanistan Reconstruction established under section 1229 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 379);

''(iv) the Special Inspector General for the Troubled Asset Relief Plan established under section 121 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231); and

''(v) the Special Inspector General for Pandemic Recovery established under section 4018 of the CARES Act (15 U.S.C. 9053); and

''(3) the term 'Subpoena Panel' means the panel to which requests for approval to issue a subpoena are submitted under subsection (e).

''(b) TESTIMONIAL SUBPOENA AUTHORITY.—

''(1) IN GENERAL.—In addition to the authority otherwise provided by this Act and in accordance with the requirements of this section, each Inspector General, in carrying out the provisions of this Act or the provisions of the authorizing statute of the Inspector General, as applicable, is authorized to require by subpoena the attendance and testimony of witnesses as necessary in the performance of an audit, inspection, evaluation, or investigation, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.

''(2) PROHIBITION.—An Inspector General may not require by subpoena the attendance and testimony of a Federal employee or employee of a designated Federal entity, but may use other authorized procedures.

''(3) DETERMINATION BY INSPECTOR GENERAL.—The determination of whether a matter constitutes an audit, inspection, evaluation, or investigation shall be at the discretion of the applicable Inspector General.

''(c) LIMITATION ON DELEGATION.—The authority to issue a subpoena under subsection (b) may only be delegated to an official performing the functions and duties of an Inspector General when the Inspector General position is vacant or when the Inspector General is unable to perform the functions and duties of the Office of the Inspector General.

''(d) NOTICE TO ATTORNEY GENERAL.—

''(1) IN GENERAL.—Not less than 10 days before submitting a request for approval to issue a subpoena to the Subpoena Panel under subsection (e), an Inspector General shall—

''(A) notify the Attorney General of the plan of the Inspector General to issue the subpoena; and

''(B) take into consideration any information provided by the Attorney General relating to the subpoena.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prevent an Inspector General from submitting to the Subpoena Panel under subsection (e) a request for approval to issue a subpoena if 10 or more days have elapsed since the date on which the Inspector General submits to the Attorney General the notification required under paragraph (1)(A) with respect to that subpoena.

''(e) PANEL REVIEW BEFORE ISSUANCE.—

''(1) APPROVAL REQUIRED.—

''(A) REQUEST FOR APPROVAL BY SUBPOENA PANEL.—Before the issuance of a subpoena described in subsection (b), an Inspector General shall submit to a panel a request for approval to issue the subpoena, which shall include a determination by the Inspector General that—

''(i) the testimony is likely to be reasonably relevant to the audit, inspection, evaluation, or investigation for which the subpoena is sought; and

''(ii) the information to be sought cannot be reasonably obtained through other means.

''(B) COMPOSITION OF SUBPOENA PANEL.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), a Subpoena Panel shall be comprised of 3 inspectors general appointed by the President and confirmed by the Senate, who shall be randomly drawn by the Chairperson or a designee of the Chairperson from a pool of all such inspectors general.

''(ii) CLASSIFIED INFORMATION.—If consideration of a request for a subpoena submitted under subparagraph (A) would require access to classified information, the Chairperson or a designee of the Chairperson may limit the pool of inspectors general described in clause (i) to appropriately cleared inspectors general.

''(iii) CONFIRMATION OF AVAILABILITY.—If an inspector general drawn from the pool described in clause (i) does not confirm their availability to serve on the Subpoena Panel within 24 hours of receiving a notification from the Chairperson or a designee of the Chairperson regarding selection for the Subpoena Panel, the Chairperson or a designee of the Chairperson may randomly draw a new inspector general from the pool to serve on the Subpoena Panel.

''(C) CONTENTS OF REQUEST.—The request described in subparagraph (A) shall include any information provided by the Attorney General related to the subpoena, which the Attorney General requests that the Subpoena Panel consider.

''(D) PROTECTION FROM DISCLOSURE.—

''(i) IN GENERAL.—The information contained in a request submitted by an Inspector General under subparagraph (A) and the identification of a witness shall be protected from disclosure to the extent permitted by law.

''(ii) REQUEST FOR DISCLOSURE.—Any request for disclosure of the information described in clause (i) shall be submitted to the Inspector General requesting the subpoena.

''(2) TIME TO RESPOND.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Subpoena Panel shall approve or deny a request for approval to issue a subpoena submitted under paragraph (1) not later than 10 days after the submission of the request.

''(B) ADDITIONAL INFORMATION FOR PANEL.—If the Subpoena Panel determines that additional information is necessary to approve or deny a request for approval to issue a subpoena submitted by an Inspector General under paragraph (1), the Subpoena Panel shall—

''(i) request that information; and

''(ii) approve or deny the request for approval submitted by the Inspector General not later than 20 days after the Subpoena Panel submits the request for information under clause (i).

''(3) APPROVAL BY PANEL.—If all members of the Subpoena Panel unanimously approve a request for approval to issue a subpoena submitted by an Inspector General under paragraph (1), the Inspector General may issue the subpoena.

''(4) NOTICE TO COUNCIL AND ATTORNEY GENERAL.—Upon issuance of a subpoena by an Inspector General under subsection (b), the Inspector General shall provide contemporaneous notice of such issuance to the Chairperson or a designee of the Chairperson and to the Attorney General.

''(f) SEMIANNUAL REPORTING.—On or before May 31, 2022, and every 6 months thereafter, the Council of the Inspectors General on Integrity and Efficiency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, and the Comptroller General of the United States a report on the use of subpoenas described in subsection (b) in any audit, inspection, evaluation, or investigation that concluded during the immediately preceding 6-month periods ending March 31 and September 30, which shall include—

''(1) a list of each Inspector General that has submitted a request for approval of a subpoena to the Subpoena Panel;

''(2) for each applicable Inspector General, the number of subpoenas submitted to the Subpoena Panel, approved by the Subpoena Panel, and disapproved by the Subpoena Panel;

''(3) for each subpoena submitted to the Subpoena Panel for approval—

''(A) an anonymized description of the individual or organization to whom the subpoena was directed;

''(B) the date on which the subpoena request was sent to the Attorney General, the date on which the Attorney General responded, and whether the Attorney General provided information regarding the subpoena request, including whether the Attorney General opposed issuance of the proposed subpoena;

''(C) the members of the Subpoena Panel considering the subpoena;

''(D) the date on which the subpoena request was sent to the Subpoena Panel, the date on which the Subpoena Panel approved or disapproved the subpoena request, and the decision of the Subpoena Panel; and

''(E) the date on which the subpoena was issued, if approved; and

''(4) any other information the Council of the Inspectors General on Integrity and Efficiency considers appropriate to include.

''(g) TRAINING AND STANDARDS.—The Council of the Inspectors General on Integrity and Efficiency, in consultation with the Attorney General, shall promulgate standards and provide training relating to the issuance of subpoenas, conflicts of interest, and any other matter the Council determines necessary to carry out this section.

''(h) APPLICABILITY.—The provisions of this section shall not affect the exercise of authority by an Inspector General of testimonial subpoena authority established under another provision of law.

''(i) TERMINATION.—The authorities provided under subsection (b) shall terminate on January 1, 2027, provided that this subsection shall not affect the enforceability of a subpoena issued on or before December 31, 2026.'';

(2) in section 5(a), as amended by section 903 of this Act—

(A) in paragraph (16)(B), as so redesignated, by striking the period at the end and inserting ''; and''; and

(B) by adding at the end the following:

''(17) a description of the use of subpoenas for the attendance and testimony of certain witnesses authorized under section 6A.''; and

(3) in section 8G(g)(1), by inserting ''6A,'' before ''and 7''.

SEC. 5143. REVIEW BY THE COMPTROLLER GENERAL.

Not later than January 1, 2026, the Comptroller General of the United States shall submit to the appropriate congressional committees a report reviewing the use of testimonial subpoena authority, which shall include—

(1) a summary of the information included in the semiannual reports to Congress under section 6A(f) of the Inspector General Act of 1978 (5 U.S.C. App.), as added by this title, including an analysis of any patterns and trends identified in the use of the authority during the reporting period;

(2) a review of subpoenas issued by inspectors general on and after the date of enactment of this Act to evaluate compliance with this Act by the respective inspector general, the Subpoena Panel, and the Council of the Inspectors General on Integrity and Efficiency; and

(3) any additional analysis, evaluation, or recommendation based on observations or information gathered by the Comptroller General of the United States during the course of the review.

TITLE LV—INVESTIGATIONS OF DEPARTMENT OF JUSTICE PERSONNEL

SEC. 5151. SHORT TITLE.

This title may be cited as the ''Inspector General Access Act of 2021''.

SEC. 5152. INVESTIGATIONS OF DEPARTMENT OF JUSTICE PERSONNEL.

Section 8E of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''and paragraph (3)'';

(B) by striking paragraph (3);

(C) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(D) in paragraph (4), as redesignated, by striking ''paragraph (4)'' and inserting ''paragraph (3)''; and

(2) in subsection (d), by striking '', except with respect to allegations described in subsection (b)(3),''.

TITLE LVI—NOTICE OF ONGOING INVESTIGATIONS WHEN THERE IS A CHANGE IN STATUS OF INSPECTOR GENERAL

SEC. 5161. NOTICE OF ONGOING INVESTIGATIONS WHEN THERE IS A CHANGE IN STATUS OF INSPECTOR GENERAL.

Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after subsection (e), as added by section 5135 of this division, the following:

''(f) Not later than 15 days after an Inspector General is removed, placed on paid or unpaid non-duty status, or transferred to another position or location within an establishment, the officer or employee performing the functions and duties of the Inspector General temporarily in an acting capacity shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives information regarding work being conducted by the Office as of the date on which the Inspector General was removed, placed on paid or unpaid non-duty status, or transferred, which shall include—

''(1) for each investigation—

''(A) the type of alleged offense;

''(B) the fiscal quarter in which the Office initiated the investigation;

''(C) the relevant Federal agency, including the relevant component of that Federal agency for any Federal agency listed in section 901(b) of title 31, United States Code, under investigation or affiliated with the individual or entity under investigation; and

''(D) whether the investigation is administrative, civil, criminal, or a combination thereof, if known; and

''(2) for any work not described in paragraph (1)—

''(A) a description of the subject matter and scope;

''(B) the relevant agency, including the relevant component of that Federal agency, under review;

''(C) the date on which the Office initiated the work; and

''(D) the expected time frame for completion.''.

TITLE LVII—COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY REPORT ON EXPENDITURES

SEC. 5171. CIGIE REPORT ON EXPENDITURES.

Section 11(c)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(D) REPORT ON EXPENDITURES.—Not later than November 30 of each year, the Chairperson shall submit to the appropriate committees or subcommittees of Congress, including the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, a report on the expenditures of the Council for the preceding fiscal year, including from direct appropriations to the Council, interagency funding pursuant to subparagraph (A), a revolving fund pursuant to subparagraph (B), or any other source.''.

TITLE LVIII—NOTICE OF REFUSAL TO PROVIDE INSPECTORS GENERAL ACCESS

SEC. 5181. NOTICE OF REFUSAL TO PROVIDE INFORMATION OR ASSISTANCE TO INSPECTORS GENERAL.

Section 6(c) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(3) If the information or assistance that is the subject of a report under paragraph (2) is not provided to the Inspector General by the date that is 30 days after the report is made, the Inspector General shall submit a notice that the information or assistance requested has not been provided by the head of the establishment involved or the head of the Federal agency involved, as applicable, to the appropriate congressional committees.''.

TITLE LIX—TRAINING RESOURCES FOR INSPECTORS GENERAL AND OTHER MATTERS

SEC. 5191. TRAINING RESOURCES FOR INSPECTORS GENERAL.

Section 11(c)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating subparagraphs (E) through (I) as subparagraphs (F) through (J), respectively; and

(2) by inserting after subparagraph (D) the following:

''(E) support the professional development of Inspectors General, including by providing training opportunities on the duties, responsibilities, and authorities under this Act and on topics relevant to Inspectors General and the work of Inspectors General, as identified by Inspectors General and the Council.''.

SEC. 5192. DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 5—

(A) in subsection (b), in the matter preceding paragraph (1), by striking ''committees or subcommittees of the Congress'' and inserting ''congressional committees''; and

(B) in subsection (d), by striking ''committees or subcommittees of Congress'' and inserting ''congressional committees'';

(2) in section 6(h)(4)—

(A) in subparagraph (B), by striking ''Government''; and

(B) by amending subparagraph (C) to read as follows:

''(C) Any other relevant congressional committee or subcommittee of jurisdiction.'';

(3) in section 8—

(A) in subsection (b)—

(i) in paragraph (3), by striking ''the Committees on Armed Services and Governmental Affairs of the Senate and the Committee on Armed Services and the Committee on Government Reform and Oversight of the House of Representatives and to other appropriate committees or subcommittees of the Congress'' and inserting ''the appropriate congressional committees, including the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives''; and

(ii) in paragraph (4), by striking ''and to other appropriate committees or subcommittees''; and

(B) in subsection (f)—

(i) in paragraph (1), by striking ''the Committees on Armed Services and on Homeland Security and Governmental Affairs of the Senate and the Committees on Armed Services and on Oversight and Government Reform of the House of Representatives and to other appropriate committees or subcommittees of Congress'' and inserting ''the appropriate congressional committees, including the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives''; and

(ii) in paragraph (2), by striking ''committees or subcommittees of the Congress'' and inserting ''congressional committees'';

(4) in section 8D—

(A) in subsection (a)(3), by striking ''Committees on Governmental Affairs and Finance of the Senate and the Committees on Government Operations and Ways and Means of the House of Representatives, and to other appropriate committees or subcommittees of the Congress'' and inserting ''appropriate congressional committees, including the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives''; and

(B) in subsection (g)—

(i) in paragraph (1)—

(I) by striking ''committees or subcommittees of the Congress'' and inserting ''congressional committees''; and

(II) by striking ''Committees on Governmental Affairs and Finance of the Senate and the Committees on Government Reform and Oversight and Ways and Means of the House of Representatives'' and inserting ''Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives''; and

(ii) in paragraph (2), by striking ''committees or subcommittees of Congress'' and inserting ''congressional committees'';

(5) in section 8E—

(A) in subsection (a)(3), by striking ''Committees on Governmental Affairs and Judiciary of the Senate and the Committees on Government Operations and Judiciary of the House of Representatives, and to other appropriate committees or subcommittees of the Congress'' and inserting ''appropriate congressional committees, including the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives''; and

(B) in subsection (c)—

(i) by striking ''committees or subcommittees of the Congress'' and inserting ''congressional committees''; and

(ii) by striking ''Committees on the Judiciary and Governmental Affairs of the Senate and the Committees on the Judiciary and Government Operations of the House of Representatives'' and inserting ''Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives'';

(6) in section 8G—

(A) in subsection (d)(2)(E), in the matter preceding clause (i), by inserting ''the appropriate congressional committees, including'' after ''are''; and

(B) in subsection (f)(3)—

(i) in subparagraph (A)(iii), by striking ''Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives, and to other appropriate committees or subcommittees of the Congress'' and inserting ''the appropriate congressional committees''; and

(ii) by striking subparagraph (C);

(7) in section 8I—

(A) in subsection (a)(3), in the matter preceding subparagraph (A), by striking ''committees and subcommittees of Congress'' and inserting ''congressional committees''; and

(B) in subsection (d), by striking ''committees and subcommittees of Congress'' each place it appears and inserting ''congressional committees'';

(8) in section 8N(b), by striking ''committees of Congress'' and inserting ''congressional committees'';

(9) in section 11—

(A) in subsection (b)(3)(B)(viii)—

(i) by striking subclauses (III) and (IV);

(ii) in subclause (I), by adding ''and'' at the end; and

(iii) by amending subclause (II) to read as follows:

''(II) the appropriate congressional committees.''; and

(B) in subsection (d)(8)(A)(iii), by striking ''to the'' and all that follows through ''jurisdiction'' and inserting ''to the appropriate congressional committees''; and

(10) in section 12—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(6) the term 'appropriate congressional committees' means—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(B) the Committee on Oversight and Reform of the House of Representatives; and

''(C) any other relevant congressional committee or subcommittee of jurisdiction.''.

SEC. 5193. SEMIANNUAL REPORTS.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 4(a)(2)—

(A) by inserting '', including'' after ''to make recommendations''; and

(B) by inserting a comma after ''section 5(a)'';

(2) in section 5—

(A) in subsection (a)—

(i) by striking paragraphs (1) through (12) and inserting the following:

''(1) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the establishment and associated reports and recommendations for corrective action made by the Office;

''(2) an identification of each recommendation made before the reporting period, for which corrective action has not been completed, including the potential costs savings associated with the recommendation;

''(3) a summary of significant investigations closed during the reporting period;

''(4) an identification of the total number of convictions during the reporting period resulting from investigations;

''(5) information regarding each audit, inspection, or evaluation report issued during the reporting period, including—

''(A) a listing of each audit, inspection, or evaluation;

''(B) if applicable, the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs) and the dollar value of recommendations that funds be put to better use, including whether a management decision had been made by the end of the reporting period;

''(6) information regarding any management decision made during the reporting period with respect to any audit, inspection, or evaluation issued during a previous reporting period;'';

(ii) by redesignating paragraphs (13) through (22) as paragraphs (7) through (16), respectively;

(iii) by amending paragraph (13), as so redesignated, to read as follows:

''(13) a report on each investigation conducted by the Office where allegations of misconduct were substantiated, including the name of the senior Government employee, if already made public by the Office, and a detailed description of—

''(A) the facts and circumstances of the investigation; and

''(B) the status and disposition of the matter, including—

''(i) if the matter was referred to the Department of Justice, the date of the referral; and

''(ii) if the Department of Justice declined the referral, the date of the declination;''; and

(iv) in paragraph (15), as so redesignated, by striking subparagraphs (A) and (B) and inserting the following:

''(A) any attempt by the establishment to interfere with the independence of the Office, including—

''(i) with budget constraints designed to limit the capabilities of the Office; and

''(ii) incidents where the establishment has resisted or objected to oversight activities of the Office or restricted or significantly delayed access to information, including the justification of the establishment for such action; and

''(B) a summary of each report made to the head of the establishment under section 6(c)(2) during the reporting period;''; and

(B) in subsection (b)—

(i) by striking paragraphs (2) and (3) and inserting the following:

''(2) where final action on audit, inspection, and evaluation reports had not been taken before the commencement of the reporting period, statistical tables showing—

''(A) with respect to management decisions—

''(i) for each report, whether a management decision was made during the reporting period;

''(ii) if a management decision was made during the reporting period, the dollar value of disallowed costs and funds to be put to better use as agreed to in the management decision; and

''(iii) total number of reports where a management decision was made during the reporting period and the total corresponding dollar value of disallowed costs and funds to be put to better use as agreed to in the management decision; and

''(B) with respect to final actions—

''(i) whether, if a management decision was made before the end of the reporting period, final action was taken during the reporting period;

''(ii) if final action was taken, the dollar value of—

''(I) disallowed costs that were recovered by management through collection, offset, property in lieu of cash, or otherwise;

''(II) disallowed costs that were written off by management;

''(III) disallowed costs and funds to be put to better use not yet recovered or written off by management;

''(IV) recommendations that were completed; and

''(V) recommendations that management has subsequently concluded should not or could not be implemented or completed; and

''(iii) total number of reports where final action was not taken and total number of reports where final action was taken, including the total corresponding dollar value of disallowed costs and funds to be put to better use as agreed to in the management decisions;'';

(ii) by redesignating paragraph (4) as paragraph (3);

(iii) in paragraph (3), as so redesignated, by striking ''subsection (a)(20)(A)'' and inserting ''subsection (a)(14)(A)''; and

(iv) by striking paragraph (5) and inserting the following:

''(4) a statement explaining why final action has not been taken with respect to each audit, inspection, and evaluation report in which a management decision has been made but final action has not yet been taken, except that such statement—

''(A) may exclude reports if—

''(i) a management decision was made within the preceding year; or

''(ii) the report is under formal administrative or judicial appeal or management of the establishment has agreed to pursue a legislative solution; and

''(B) shall identify the number of reports in each category so excluded.'';

(C) by redesignating subsection (h), as so redesignated by section 305, as subsection (i); and

(D) by inserting after subsection (g), as so redesignated by section 305, the following:

''(h) If an Office has published any portion of the report or information required under subsection (a) to the website of the Office or on oversight.gov, the Office may elect to provide links to the relevant webpage or website in the report of the Office under subsection (a) in lieu of including the information in that report.''.

SEC. 5194. SUBMISSION OF REPORTS THAT SPECIFICALLY IDENTIFY NON-GOVERNMENTAL ORGANIZATIONS OR BUSINESS ENTITIES.

(a) IN GENERAL.—Section 5(g) of the Inspector General Act of 1978 (5 U.S.C. App.), as so redesignated by section 5135 of this division, is amended by adding at the end the following:

''(6)(A) Except as provided in subparagraph (B), if an audit, evaluation, inspection, or other non-investigative report prepared by an Inspector General specifically identifies a specific non-governmental organization or business entity, whether or not the non-governmental organization or business entity is the subject of that audit, evaluation, inspection, or non-investigative report—

''(i) the Inspector General shall notify the non-governmental organization or business entity;

''(ii) the non-governmental organization or business entity shall have—

''(I) 30 days to review the audit, evaluation, inspection, or non-investigative report beginning on the date of publication of the audit, evaluation, inspection, or non-investigative report; and

''(II) the opportunity to submit a written response for the purpose of clarifying or providing additional context as it directly relates to each instance wherein an audit, evaluation, inspection, or non-investigative report specifically identifies that non-governmental organization or business entity; and

''(iii) if a written response is submitted under clause (ii)(II) within the 30-day period described in clause (ii)(I)—

''(I) the written response shall be attached to the audit, evaluation, inspection, or non-investigative report; and

''(II) in every instance where the report may appear on the public-facing website of the Inspector General, the website shall be updated in order to access a version of the audit, evaluation, inspection, or non-investigative report that includes the written response.

''(B) Subparagraph (A) shall not apply with respect to a non-governmental organization or business entity that refused to provide information or assistance sought by an Inspector General during the creation of the audit, evaluation, inspection, or non-investigative report.

''(C) An Inspector General shall review any written response received under subparagraph (A) for the purpose of preventing the improper disclosure of classified information or other non-public information, consistent with applicable laws, rules, and regulations, and, if necessary, redact such information.''.

(b) RETROACTIVE APPLICABILITY.—During the 30-day period beginning on the date of enactment of this Act—

(1) the amendment made by subsection (a) shall apply upon the request of a non-governmental organization or business entity named in an audit, evaluation, inspection, or other non-investigative report prepared on or after January 1, 2019; and

(2) any written response submitted under clause (iii) of section 5(g)(6)(A)of the Inspector General Act of 1978 (5 U.S.C. App.), as added by subsection (a), with respect to such an audit, evaluation, inspection, or other non-investigative report shall attach to the original report in the manner described in that clause.

SEC. 5195. REVIEW RELATING TO VETTING, PROCESSING, AND RESETTLEMENT OF EVACUEES FROM AFGHANISTAN AND THE AFGHANISTAN SPECIAL IMMIGRANT VISA PROGRAM.

(a) IN GENERAL.—In accordance with the Inspector General Act of 1978 (5 U.S.C. App.), the Inspector General of the Department of Homeland Security, jointly with the Inspector General of the Department of State, and in coordination with any appropriate inspector general established by that Act or section 103H of the National Security Act of 1947 (50 U.S.C. 3033), shall conduct a thorough review of efforts to support and process evacuees from Afghanistan and the Afghanistan special immigrant visa program.

(b) ELEMENTS.—The review required by subsection (a) shall include an assessment of the systems, staffing, policies, and programs used—

(1) to the screen and vet such evacuees, including—

(A) an assessment of whether personnel conducting such screening and vetting were appropriately authorized and provided with training, including training in the detection of fraudulent personal identification documents;

(B) an analysis of the degree to which such screening and vetting deviated from United States law, regulations, policy, and best practices relating to—

(i) the screening and vetting of parolees, refugees, and applicants for United States visas that have been in use at any time since January 1, 2016, particularly for individuals from countries with active terrorist organizations; and

(ii) the screening and vetting of parolees, refugees, and applicants for United States visas pursuant to any mass evacuation effort since 1975, particularly for individuals from countries with active terrorist organizations;

(C) an identification of any risk to the national security of the United States posed by any such deviations;

(D) an analysis of the processes used for evacuees traveling without personal identification records, including the creation or provision of any new identification records to such evacuees; and

(E) an analysis of the degree to which such screening and vetting process was capable of detecting—

(i) instances of human trafficking and domestic abuse;

(ii) evacuees who are unaccompanied minors; and

(iii) evacuees with a spouse that is a minor;

(2) to admit and process such evacuees at United States ports of entry;

(3) to temporarily house such evacuees prior to resettlement;

(4) to account for the total number of individual evacuated from Afghanistan in 2021 with support of the United States Government, disaggregated by—

(A) country of origin;

(B) age;

(C) gender;

(D) eligibility for special immigrant visas under the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) or section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163) at the time of evacuation;

(E) eligibility for employment-based nonimmigrant visas at the time of evacuation; and

(F) familial relationship to evacuees who are eligible for visas described in subparagraphs (D) and (E); and

(5) to provide eligible individuals with special immigrant visas under the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) and section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163) since the date of the enactment of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8), including—

(A) a detailed step-by-step description of the application process for such special immigrant visas, including the number of days allotted by the United States Government for the completion of each step;

(B) the number of such special immigrant visa applications received, approved, and denied, disaggregated by fiscal year;

(C) the number of such special immigrant visas issued, as compared to the number available under law, disaggregated by fiscal year;

(D) an assessment of the average length of time taken to process an application for such a special immigrant visa, beginning on the date of submission of the application and ending on the date of final disposition, disaggregated by fiscal year;

(E) an accounting of the number of applications for such special immigrant visas that remained pending at the end of each fiscal year;

(F) an accounting of the number of interviews of applicants for such special immigrant visas conducted during each fiscal year;

(G) the number of noncitizens who were admitted to the United States pursuant to such a special immigrant visa during each fiscal year;

(H) an assessment of the extent to which each participating department or agency of the United States Government, including the Department of State and the Department of Homeland Security, adjusted processing practices and procedures for such special immigrant visas so as to vet applicants and expand processing capacity since the February 29, 2020, Doha Agreement between the United States and the Taliban;

(I) a list of specific steps, if any, taken between February 29, 2020, and August 31, 2021—

(i) to streamline the processing of applications for such special immigrant visas; and

(ii) to address longstanding bureaucratic hurdles while improving security protocols;

(J) a description of the degree to which the Secretary of State implemented recommendations made by the Department of State Office of Inspector General in its June 2020 reports on Review of the Afghan Special Immigrant Visa Program (AUD-MERO-20-35) and Management Assistance Report: Quarterly Reporting on Afghan Special Immigrant Visa Program Needs Improvement (AUD-MERO-20-34);

(K) an assessment of the extent to which challenges in verifying applicants' employment with the Department of Defense contributed to delays in the processing of such special immigrant visas, and an accounting of the specific steps taken since February 29, 2020, to address issues surrounding employment verification; and

(L) recommendations to strengthen and streamline such special immigrant visa process going forward.

(c) INTERIM REPORTING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security and the Inspector General of the Department of State shall submit to the appropriate congressional committees not fewer than one interim report on the review conducted under this section.

(2) FORM.—Any report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) DEFINITIONS.—In this subsection:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' has the meaning given the term in section 12 of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by this Act.

(B) SCREEN; SCREENING.—The terms ''screen'' and ''screening'', with respect to an evacuee, mean the process by which a Federal official determines—

(i) the identity of the evacuee;

(ii) whether the evacuee has a valid identification documentation; and

(iii) whether any database of the United States Government contains derogatory information about the evacuee.

(C) VET; VETTING.—The term ''vet'' and ''vetting'', with respect to an evacuee, means the process by which a Federal official interviews the evacuee to determine whether the evacuee is who they purport to be, including whether the evacuee poses a national security risk.

(d) DISCHARGE OF RESPONSIBILITIES.—The Inspector General of the Department of Homeland Security and the Inspector General of the Department of State shall discharge the responsibilities under this section in a manner consistent with the authorities and requirements of the Inspector General Act of 1978 (5 U.S.C. App.) and the authorities and requirements applicable to the Inspector General of the Department of Homeland Security and the Inspector General of the Department of State under that Act.

(e) COORDINATION.—Upon request of an Inspector General for information or assistance under subsection (a), the head of any Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency from which the information is requested, furnish to such Inspector General, or to an authorized designee, such information or assistance.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of the Inspector General of the Department of Homeland Security or the Inspector General of the Department of State to enter into agreements to conduct joint audits, inspections, or investigations in the exercise of the oversight responsibilities of the Inspector General of the Department of Homeland Security and the Inspector General of the Department of State, in accordance with the Inspector General Act of 1978 (5 U.S.C. App.), with respect to oversight of the evacuation from Afghanistan, the selection, vetting, and processing of applicants for special immigrant visas and asylum, and any resettlement in the United States of such evacuees.

SA 4781. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1237. IMPOSITION OF SANCTIONS WITH RESPECT TO NORD STREAM 2.

(a) IN GENERAL.—Not later than 15 days after the date of the enactment of this Act, the President shall—

(1) impose sanctions under subsection (b) with respect to any corporate officer of an entity established for or responsible for the planning, construction, or operation of the Nord Stream 2 pipeline or a successor entity; and

(2) impose sanctions under subsection (c) with respect to any entity described in paragraph (1).

(b) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE OF IDENTIFIED PERSONS AND CORPORATE OFFICERS.—

(1) IN GENERAL.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a)(1) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The visa or other entry documentation of an alien described in subsection (a)(1) shall be revoked, regardless of when such visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(c) BLOCKING OF PROPERTY OF IDENTIFIED PERSONS.—The President shall exercise all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of an entity described in subsection (a)(1) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(d) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE, LAW ENFORCEMENT, AND NATIONAL SECURITY ACTIVITIES.—Sanctions under this section shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

(2) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under this section shall not apply with respect to the admission of an alien to the United States if the admission of the alien is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force

March 19, 1967, or other applicable international obligations.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—Notwithstanding any other provision of this section, the authorities and requirements to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ''good'' means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(e) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(f) SUNSET.—The authority to impose sanctions under this section shall terminate on the date that is 5 years after the date of the enactment of this Act.

(g) DEFINITIONS.—In this section:

(1) ADMISSION; ADMITTED; ALIEN.—The terms ''admission'' , ''admitted'' , and ''alien'' have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term ''appropriate congressional committees and leadership'' means—

(A) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the majority and minority leaders of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Financial Services, and the Speaker, the majority leader, and the minority leader of the House of Representatives.

(3) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person within the United States.

SEC. 1238. REPEAL OF NATIONAL INTEREST WAIVER UNDER PROTECTING EUROPE'S ENERGY SECURITY ACT OF 2019.

Section 7503 of the Protecting Europe's Energy Security Act of 2019 (title LXXV of Public Law 116–92; 22 U.S.C. 9526 note) is amended—

(1) in subsection (a)(1)(C), by striking ''subsection (i)'' and inserting ''subsection (h)'';

(2) by striking subsection (f);

(3) by redesignating subsections (g) through (k) as subsections (f) through (j), respectively; and

(4) in subsection (i), as redesignated by paragraph (3), by striking ''subsection (h)'' and inserting ''subsection (g)''.

SEC. 1239. APPLICATION OF CONGRESSIONAL REVIEW UNDER COUNTERING AMERICA'S ADVERSARIES THROUGH SANCTIONS ACT TO TERMINATION OR REMOVAL OF SANCTIONS.

(a) IN GENERAL.—Section 216(a)(2)(B)(i) of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9511(a)(2)(B)(i)) is amended—

(1) in subclause (II), by striking ''; or'' and inserting a semicolon;

(2) in subclause (III), by striking ''; and'' and inserting a semicolon; and

(3) by adding at the end the following:

''(IV) section 7503 of the Protecting Europe's Energy Security Act of 2019 (title LXXV of Public Law 116–92; 22 U.S.C. 9526 note); or

''(V) section 1237 of the National Defense Authorization Act for Fiscal Year 2022; and''.

(b) INCLUSION OF ADDITIONAL MATTER IN CAATSA REPORT.—Each report submitted under section 216(a)(1) of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9511(a)(1)) with respect to the waiver or termination of, or a licensing action with respect to, sanctions under section 1237 of this Act or section 7503 of the Protecting Europe's Energy Security Act of 2019 (title LXXV of Public Law 116–92; 22 U.S.C. 9526 note) shall include—

(1) an assessment of the security risks posed by Nord Stream 2, including—

(A) the presence along Nord Stream 2 or Nord Stream 1 infrastructure or pipeline corridors of undersea surveillance systems and sensors, fiber optic terminals, or other systems that are capable of conducting military or intelligence activities unrelated to civilian energy transmission, including those designed to enhance Russian Federation antisubmarine warfare, surveillance, espionage, or sabotage capabilities;

(B) the use of Nord Stream-affiliated infrastructure, equipment, personnel, vessels, financing, or other assets—

(i) to facilitate, carry out, or conceal Russian Federation maritime surveillance, espionage, or sabotage activities;

(ii) to justify the presence of Russian Federation naval vessels or military personnel or equipment in international waters or near North Atlantic Treaty Organization or partner countries;

(iii) to disrupt freedom of navigation; or

(iv) to pressure or intimidate countries in the Baltic Sea;

(C) the involvement in the Nord Stream 2 pipeline or its affiliated entities of current or former Russian, Soviet, or Warsaw Pact intelligence and military personnel and any business dealings between Nord Stream 2 and entities affiliated with the intelligence or defense sector of the Russian Federation; and

(D) malign influence activities of the Government of the Russian Federation, including strategic corruption and efforts to influence European decision-makers, supported or financed through the Nord Stream 2 pipeline;

(2) an assessment of whether the Russian Federation maintains gas transit through Ukraine at levels consistent with the volumes set forth in the Ukraine-Russian Federation gas transit agreement of December 2019 and continues to pay the transit fees specified in that agreement;

(3) an assessment of the status of negotiations between the Russian Federation and Ukraine to secure an agreement to extend gas transit through Ukraine beyond the expiration of the agreement described in paragraph (2); and

(4) an assessment of whether the United States and Germany have agreed on a common definition for energy ''weaponization'' and the associated triggers for sanctions and other enforcement actions, pursuant to the Joint Statement of the United States and Germany on support for Ukraine, European energy security, and our climate goals, dated July 21, 2021; and

(5) a description of the consultations with United States allies and partners in Europe, including Ukraine, Poland, and the countries in Central and Eastern Europe most impacted by the Nord Stream 2 pipeline concerning the matters agreed to as described in paragraph (4).

SA 4782. Mr. CORNYN (for himself, Mr. COONS, Mr. YOUNG, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1064. NATIONAL SECURITY EXCLUSION FOR ARTICLES OR COMPONENTS OF ARTICLES THAT CONTAIN, WERE PRODUCED USING, BENEFIT FROM, OR USE TRADE SECRETS MISAPPROPRIATED OR ACQUIRED THROUGH IMPROPER MEANS BY A FOREIGN AGENT OR FOREIGN INSTRUMENTALITY.

(a) SHORT TITLE.—This section may be cited as the ''Stopping and Excluding Commercial Ripoffs and Espionage with U.S. Trade Secrets'' or the ''Secrets Act of 2021''.

(b) NATIONAL SECURITY EXCLUSION.—Title III of the Tariff Act of 1930 is amended by inserting after section 341 (19 U.S.C. 1341) the following:

''SEC. 342. NATIONAL SECURITY EXCLUSION FOR ARTICLES OR COMPONENTS OF ARTICLES THAT CONTAIN, WERE PRODUCED USING, BENEFIT FROM, OR USE TRADE SECRETS MISAPPROPRIATED OR ACQUIRED THROUGH IMPROPER MEANS BY A FOREIGN AGENT OR FOREIGN INSTRUMENTALITY.

''(a) IN GENERAL.—Upon a determination under subsection (c)(1), and subject to the procedures required under subsection (d), the Commission shall direct the exclusion from the United States of, on the basis of national security, imports of articles that contain, were produced using, benefit from, or use any trade secret acquired through improper means or misappropriation by a foreign agent or foreign instrumentality (in this section referred to as a 'covered article').

''(b) INTERAGENCY COMMITTEE ON TRADE SECRETS.—

''(1) IN GENERAL.—There is established an Interagency Committee on Trade Secrets (in this section referred to as the 'Committee') to carry out the review and submission of allegations under paragraph (5) and such other duties as the President may designate as necessary to carry out this section.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall be comprised of the following voting members (or the designee of any such member):

''(i) The Secretary of the Treasury.

''(ii) The Secretary of Homeland Security.

''(iii) The Secretary of Commerce.

''(iv) The Attorney General.

''(v) The Intellectual Property Enforcement Coordinator.

''(vi) The United States Trade Representative.

''(vii) The head of such other Federal agency or other executive office as the President determines appropriate, generally or on a case-by-case basis.

''(B) DIRECTOR OF NATIONAL INTELLIGENCE.—

''(i) IN GENERAL.—The Director of National Intelligence shall serve as an ex officio, nonvoting member of the Committee.

''(ii) NOTICE.—The Director of National Intelligence shall be provided with all notices received by the Committee regarding allegations under paragraph (5) but shall serve no policy role on the Committee other than to provide analysis unless serving on the Committee under subparagraph (A)(vii).

''(3) CHAIRPERSON.—The Attorney General shall serve as the chairperson of the Committee.

''(4) MEETINGS.—The Committee shall meet upon the direction of the President or upon the call of the chairperson, without regard to section 552b of title 5, United States Code (if otherwise applicable).

''(5) UNFAIR TRADE PRACTICE REVIEW.—The Committee—

''(A) shall review upon complaint under oath by the owner of a trade secret or on its own initiative any allegations that an article imported or to be imported into the United States is a covered article; and

''(B) shall, if the Committee decides to proceed with those allegations, submit to the Commission a report including those allegations.

''(c) EX PARTE PRELIMINARY REVIEW, INVESTIGATION, AND DETERMINATION.—

''(1) EX PARTE PRELIMINARY REVIEW.—Not later than 30 days after receipt of an allegation contained in a report under subsection (b)(5)(B) with respect to an article imported or to be imported into the United States, the Commission shall conduct a confidential, ex parte, preliminary review to determine whether the article is more likely than not a covered article.

''(2) INVESTIGATION.—

''(A) IN GENERAL.—Not later than 150 days after an affirmative determination under paragraph (1), the Commission shall conduct an ex parte investigation, which may include a hearing at the discretion of the Commission, to consider if that determination should be extended under paragraph (3).

''(B) ANALYSIS BY DIRECTOR OF NATIONAL INTELLIGENCE.—

''(i) IN GENERAL.—As part of an investigation conducted under subparagraph (A) with respect to an allegation contained in a report under subsection (b)(5)(B), the Director of National Intelligence, at the request of the Commission, shall expeditiously carry out a thorough analysis of the allegation and shall incorporate the views of appropriate intelligence agencies with respect to the allegation.

''(ii) TIMING.—

''(I) BEGINNING OF ANALYSIS.—The Director of National Intelligence shall begin an analysis under clause (i) of an allegation contained in a report under subsection (b)(5)(B) before investigation by the Commission of the allegation under subparagraph (A), in accordance with applicable law.

''(II) SUBMISSION OF ANALYSIS.—Not later than 20 days after the date on which the Commission begins an investigation under subparagraph (A), the Director of National Intelligence shall submit to the Commission the analysis requested under clause (i).

''(iii) SUPPLEMENTATION OR AMENDMENT.—Any analysis submitted under clause (i) may be supplemented or amended as the Director of National Intelligence considers necessary or appropriate or upon request by the Commission for additional information.

''(3) EXTENSION, MODIFICATION, OR TERMINATION.—

''(A) IN GENERAL.—The Commission, at its sole discretion, may extend, modify, or terminate a determination under paragraph (1) for good cause and as necessary and appropriate, as determined by the Commission and based on the findings of the investigation conducted under paragraph (2).

''(B) RECONSIDERATION.—The Commission shall reconsider any extension, modification, or termination under subparagraph (A) of a determination under paragraph (1) upon request in writing from the Committee.

''(4) CONSIDERATION.—In conducting a preliminary review under paragraph (1) or an investigation under paragraph (2) with respect to an article, the Commission may consider the following:

''(A) If the article contains, was produced using, benefits from, or uses any trade secret acquired through improper means or misappropriation by a foreign agent or foreign instrumentality.

''(B) The national security and policy interests of the United States, as established by the Committee for purposes of this section.

''(5) DISCLOSURE OF CONFIDENTIAL INFORMATION.—

''(A) IN GENERAL.—Information submitted to the Commission or exchanged among the interested persons in connection with a preliminary review under paragraph (1) or an investigation under paragraph (2), including by the owner of the trade secret with respect to which the review or investigation is connected, may not be disclosed (except under a protective order issued under regulations of the Commission that authorizes limited disclosure of such information) to any person other than a person described in subparagraph (B).

''(B) EXCEPTION.—Notwithstanding the prohibition under subparagraph (A), information described in that subparagraph may be disclosed to—

''(i) an officer or employee of the Commission who is directly concerned with—

''(I) carrying out the preliminary review, investigation, or related proceeding in connection with which the information is submitted;

''(II) the administration or enforcement of a national security exclusion order issued under subsection (d);

''(III) a proceeding for the modification or rescission of a national security exclusion order issued under subsection (d); or

''(IV) maintaining the administrative record of the preliminary review, investigation, or related proceeding;

''(ii) an officer or employee of the United States Government who is directly involved in the review under subsection (d)(2); or

''(iii) an officer or employee of U.S. Customs and Border Protection who is directly involved in administering an exclusion from entry under subsection (d) resulting from the preliminary review, investigation, or related proceeding in connection with which the information is submitted.

''(6) PUBLICATION OF RESULTS.—Not later than 30 days after a determination under paragraph (1) or an extension under paragraph (3), the Commission shall publish notice of the determination or extension, as the case may be, in the Federal Register.

''(7) DESIGNATION OF LEAD AGENCY FROM COMMITTEE.—

''(A) IN GENERAL.—The Attorney General shall designate, as appropriate, a Federal agency or agencies represented on the Committee to be the lead agency or agencies on behalf of the Committee for each action under paragraphs (1) through (3).

''(B) DUTIES.—The duties of the lead agency or agencies designated under subparagraph (A), with respect to an action under paragraphs (1) through (3), shall include assisting in the action and coordinating activity between the Committee and the Commission.

''(8) CONSULTATION.—

''(A) IN GENERAL.—In conducting an action under paragraphs (1) through (3), the Commission shall consult with the heads of such other Federal agencies (or their designees) as the Commission determines appropriate on the basis of the facts and circumstances of the action.

''(B) COOPERATION.—The heads of Federal agencies consulted under subparagraph (A) for an action, and the agency or agencies designated under paragraph (7)(A), shall cooperate with the Commission in conducting the action, including by—

''(i) producing documents and witnesses for testimony; and

''(ii) assisting with any complaint or report or any analysis by the Committee.

''(9) INTERACTION WITH INTELLIGENCE COMMUNITY.—The Director of National Intelligence shall ensure that the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) remains engaged during the course of any action conducted under paragraphs (1) through (3).

''(10) RULE OF CONSTRUCTION REGARDING SUBMISSION OF ADDITIONAL INFORMATION.—Nothing in this subsection shall be construed as prohibiting any interested person to an allegation described in subsection (b)(5) from submitting additional information concerning the allegation while an action under paragraphs (1) through (3) with respect to the allegation is ongoing.

''(d) PROCEDURES FOR NATIONAL SECURITY EXCLUSION.—

''(1) IN GENERAL.—If the Commission determines under subsection (c)(1) that it is more likely than not that an article to be imported into the United States is a covered article, not later than 30 days after receipt of the allegation described in that subsection with respect to that determination, the Commission shall—

''(A) issue an order directing that the article concerned be excluded from entry into the United States under subsection (a); and

''(B) notify the President of that determination.

''(2) PRESIDENTIAL REVIEW.—If, before the end of the 30-day period beginning on the day after the date on which the President is notified under paragraph (1)(B) of the determination of the Commission under subsection (c)(1), the President disapproves of that determination and notifies the Commission of that disapproval, effective on the date of that notice, that determination shall have no force or effect.

''(3) EXCLUSION OF COVERED ARTICLES.—

''(A) NOTIFICATION.—Upon expiration of the 30-day period described in paragraph (2), or notification from the President of approval of the determination of the Commission under subsection (c)(1) before the expiration of that period, the Commission shall notify the Secretary of the Treasury and the Secretary of Homeland Security of its action under subsection (a) to direct the exclusion of covered articles from entry.

''(B) REFUSAL OF ENTRY.—Upon receipt of notice under subparagraph (A) regarding the exclusion of covered articles from entry, the Secretary of the Treasury and the Secretary of Homeland Security shall refuse the entry of those articles.

''(4) CONTINUATION IN EFFECT.—Any exclusion from entry of covered articles under subsection (a) shall continue in effect until the Commission—

''(A) determines that the conditions that led to such exclusion from entry do not exist; and

''(B) notifies the Secretary of the Treasury and the Secretary of Homeland Security of that determination.

''(5) MODIFICATION OR RESCISSION.—

''(A) IN GENERAL.—An interested person may petition the Commission for a modification or rescission of an exclusion order issued under subsection (a) with respect to covered articles only after an affirmative extension of the order is issued under subsection (c)(3) in accordance with the procedures under subsection (c)(2).

''(B) REVISITATION OF EXCLUSION.—The Commission may modify or rescind an exclusion order issued under subsection (a) at any time at the discretion of the Commission.

''(C) BURDEN OF PROOF.—The burden of proof in any proceeding before the Commission regarding a petition made by an interested person under subparagraph (A) shall be on the interested person.

''(D) RELIEF.—A modification or rescission for which a petition is made under subparagraph (A) may be granted by the Commission—

''(i) on the basis of new evidence or evidence that could not have been presented at the prior proceeding; or

''(ii) on grounds that would permit relief from a judgment or order under the Federal Rules of Civil Procedure.

''(E) EVIDENTIARY STANDARD.—A modification or rescission may be made under subparagraph (A) if the Commission determines that there has been a clear and convincing showing to the Commission from an interested person that such a modification or rescission should be made.

''(e) JUDICIAL REVIEW.—

''(1) IN GENERAL.—Any person adversely affected by a final modification or rescission determination by the Commission under subsection (d)(5) may appeal such determination only—

''(A) in the United States Court of Appeals for the Federal Circuit; and

''(B) not later than 60 days after that determination has become final.

''(2) NO OTHER JUDICIAL REVIEW.—Except as authorized under paragraph (1), the determinations of the Commission under this section and any exclusion from entry or delivery or demand for redelivery in connection with the enforcement of an order by the Commission under this section may not be reviewed by any court, including for constitutional claims, whether by action in the nature of mandamus or otherwise.

''(3) PROCEDURES FOR REVIEW OF PRIVILEGED INFORMATION.—If an appeal is brought under paragraph (1) and the administrative record contains classified or other information subject to privilege or protections under law, that information shall be submitted confidentially to the court and the court shall maintain that information under seal.

''(4) APPLICABILITY OF USE OF INFORMATION PROVISIONS.—The use of information provisions of sections 106, 305, 405, and 706 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806, 1825, 1845, and 1881e) shall not apply to an appeal under paragraph (1).

''(f) INAPPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT.—

''(1) IN GENERAL.—The requirements of subchapter II of chapter 5 of title 5, United States Code, shall not apply to—

''(A) an action conducted by the Commission under paragraphs (1) through (3) of subsection (c); or

''(B) the procedures for exclusion under paragraphs (4) and (5) of subsection (d).

''(2) ADJUDICATION.—Any adjudication under this section shall not be subject to the requirements of sections 554, 556, and 557 of title 5, United States Code.

''(g) FREEDOM OF INFORMATION ACT EXCEPTION.—Section 552 of title 5, United States Code (commonly referred to as the 'Freedom of Information Act'), shall not apply to the activities conducted under this section.

''(h) APPLICABILITY TO CERTAIN INTELLIGENCE ACTIVITIES.—Nothing in this section shall apply to authorized intelligence activities of the United States.

''(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require or permit the disclosure of classified information or information relating to intelligence sources and methods to any party other than an officer or employee of the United States Government who has been appropriately cleared to receive that information.

''(j) REGULATIONS.—The Commission may prescribe such regulations as the Commission considers necessary and appropriate to carry out this section.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

''(l) DEFINITIONS.—In this section:

''(1) ARTICLE.—The term 'article' includes any article or component of an article.

''(2) FOREIGN AGENT; FOREIGN INSTRUMENTALITY; IMPROPER MEANS; MISAPPROPRIATION; OWNER; TRADE SECRET.—The terms 'foreign agent', 'foreign instrumentality', 'improper means', 'misappropriation', 'owner', and 'trade secret' have the meanings given those terms in section 1839 of title 18, United States Code.

''(3) INTERESTED PERSON.—The term 'interested person', with respect to an allegation under subsection (b)(5), means a person named in the allegation or otherwise identified by the Commission as having a material interest with respect to the allegation.''.

(c) CLERICAL AMENDMENT.—The table of contents for the Tariff Act of 1930 is amended by inserting after the item relating to section 341 the following:

''Sec. 342. National security exclusion for articles or components of articles that contain, were produced using, benefit from, or use trade secrets misappropriated or acquired through improper means by a foreign agent or foreign instrumentality.''.

(d) CONFORMING AMENDMENT.—Section 514(a)(4) of the Tariff Act of 1930 (19 U.S.C. 1514(a)(4)) is amended by striking ''a determination appealable under section 337 of this Act'' and inserting ''in connection with the enforcement of an order of the United States International Trade Commission issued under section 337 or 342''.

AUTHORITY FOR COMMITTEES TO MEET

Mrs. SHAHEEN. Mr. President, I have 14 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Wednesday, November 17, 2021, at 10:15 a.m., to conduct a hearing on nominations.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Wednesday, November 17, 2021, in executive session to vote on nominations.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, November 17, 2021, at 10 a.m., in executive session.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, November 17, 2021, at 10:15 a.m., to conduct a hearing on nominations.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, November 17, 2021, at 10 a.m., to conduct a hearing on a nomination.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Wednesday, November 17, 2021, at 9:30 a.m., to conduct a hearing on nominations.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, November 17, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, November 17, 2021, at 2:30 p.m., to conduct a business meeting.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, November 17, 2021, at 10 a.m., to conduct hearing on nominations.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

The Committee on Small Business and Entrepreneurship is authorized to meet during the session of the Senate on Wednesday, November 17, 2021, at 2:30 p.m., to conduct a business meeting.

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, November 17, 2021, at 3 p.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, November 17, 2021, at 2 p.m., to conduct a closed briefing.

SUBCOMMITTEE ON GOVERNMENT OPERATIONS AND BORDER MANAGEMENT

The Subcommittee on Government Operations and Border Management of the Committee on Homeland Security

and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, November 17, 2021, at 2:30 p.m., to conduct a hearing.

SUBCOMMITTEE ON STRATEGIC FORCES

The Subcommittee on Strategic Forces of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, November 17, 2021, at 4:30 p.m., to receive a briefing.

PRIVILEGES OF THE FLOOR

Mr. KING. Mr. President, I ask unanimous consent that my military fellow, Sean McDonald, have floor privileges during the consideration of the fiscal year 2022 National Defense Authorization Act and any consideration of matters pertaining to national security.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, NOVEMBER 18, 2021

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, November 18; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate resume consideration of the motion to proceed to H.R. 4350, the National Defense Authorization Act, postcloture; further, that all time during adjournment, morning business, recess, and leader time count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 9:27 p.m., adjourned until Thursday, November 18, 2021, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

LAURA FARNSWORTH DOGU, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HONDURAS.

N. NICKOLAS PERRY, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAMAICA.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

MICHAEL F. GERBER, OF PENNSYLVANIA, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2022, VICE MICHAEL D. KENNEDY, TERM EXPIRED.

MICHAEL F. GERBER, OF PENNSYLVANIA, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2026. (REAPPOINTMENT)

DEPARTMENT OF HOMELAND SECURITY

KENNETH L. WAINSTEIN, OF VIRGINIA, TO BE UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS, DEPARTMENT OF HOMELAND SECURITY, VICE DAVID JAMES GLAWE.

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

ADRIAN A. ANDREWS

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

PETER S. BLACK
BENNY F. COLLINS
INGRID Y. HAWKINS
LAWRENCE A. JOINER
BRETT W. MARTIN
JENNIFER R. MARTIN
DENNIS M. OBRIEN
BOBBY R. PATTON, JR.
ROBERT G. SACCA

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

NICHOLAS P. ADAMS
GABRIEL D. ADIBE
MICHAEL P. ADKINS
JESSICA R. AICH
YUSEF A. AKBARUT
PATRICK A. ANDERSON, JR.
SHELLEY T. ANSBIGIAN
RICHARD D. ATWOOD
MATTHEW R. AUDETTE
GIOVANNI E. AVELAR
SARAH D. AX
GABRA A. BAILEY
LOGAN D. BAISDEN
RACHEL C. BAKER
JASON M. BALDWIN
GEOFFREY T. BALL
BRIAN S. BANKO
BRIAN A. BARNES
WESTON E. BARTKOSKI
SAMUEL L. BATCHELDER
ALLISON E. BATES
CHARLES J. BAUMANN III
ANTHONY E. BEAUPRE
DREW W. BECK
ILANA B. BENCHICH
STEPHEN R. BENDER
JUSTIN S. BENNETT
HOLLY M. BERGER
BRIAN J. BERLING
RAMON A. BERND
THOMAS W. BERTRAM
NATHAN T. BERTRAND
ANDREW P. BIBBY
PAUL S. BLACKBURN
ANDREW S. BLACKER
TIMOTHY P. BLAINE
PHILIP E. BLAIS
JASPREET BLEVINS
JOHN L. BOATNER
NICHOLAS J. BOIRE
TYLER D. BONNETT
MATTHEW T. BORKOWSKI
LUCAS T. BOSCH
ROBIN C. BOSMAN
JACK T. BOSWELL
COREY L. BOUDIETTE
CHARLES K. BOUSA III
TYLER R. BRACONI
PRESTON P. BRAINERD
MICHAEL A. BRESSLER
KYLE D. BRITT
MARK T. BROOKMAN
JOSHUA P. BROOKS
THOMAS K. BROUGHER
ASHLEY S. BROWN
JAMES A. BROWN
ROBERT V. BROWN
KYLE D. BROWNE
TIMOTHY P. BRUNSTETTER
ANDREW M. BUCK
NICHOLAS J. BUDA
DAVID A. BUNTING
ALLISON M. BURGOS
PATRICK J. BURNS II
CHARLOTTE M. BUTTERS
ROBERT D. CAMERON
DANIEL J. CANHAM
REBECCA R. CARLSON
ADRIAN CARRILLO
DYLAN M. CASEY
MORGAN T. CELAYA
ALICIA E. CHAMBERS
HECTOR T. CHEN
SONG L. CHEN
RACHEL E. CLINE
BRENT A. COCHRAN
DAVID W. COFFMAN, JR.
BLAKE C. COLE
STEPHEN M. COLLINS
KENTON M. COMSTOCK
MICHAEL R. CONLON
RENATO COSTA
SCOTT M. COTTON
JOHN M. COUTOUMAS
ALLEN M. COWHERD
RUSSELL S. COX
KELLEN E. CRAWFORD
NATHANAEL S. CREMEAN
AVERY M. CRISP
NICHOLAS A. CRYMES
LUCAS C. CULVER
THOMAS W. CUNNINGHAM
KYLE W. DALY
STEPHANIE L. DAMREN
CHARLES T. DANIELS
KRISTOFER T. DANIELSON
TEDI J. DAVIDSON
RAQUEL R. DAVILA
GREGORY S. DAVIS
JESSICA M. DAVIS
NICHOLAS R. DAVIS
EZRA F. DAY
CALIXTE DEFAY
DOMINIC P. DELLAPELLE
NICHOLAS J. DELUCA
CHARLES J. DEMMER
NICHOLAS A. DENNEY
GARRETT A. DENNIS
KEVIN D. DEPINTO
PETER J. DESCHLER
MATTHEW P. DESMET
ADAM J. DICKSON
JARROD M. DLUGOS
ANDREW G. DOLVIN
ALEXANDRA DONNENWIRTH
CHARLES C. DOWLING, JR.
CONOR J. DOWNS
ANDREW P. DUNBECK
MATTHEW A. DUNCAN
PAIGE E. DUNLAP
MARK A. DURAN
MCKENZIE B. EHRHARDT
VALONNE L. EHRHARDT
DAVID A. EKLUND
BRANDON S. ELIASON
EMILY E. ELLEDGE
STEVEN M. ELLINGTON
CHRISTOPHER R. EMDE
DAVID J. ENGEL
ERIK J. ERLANDSON
MILES A. ESSAY
PAUL B. ESTES
ANDREW J. EUBANKS
MATTHEW H. EVERS
ANDREW H. EZELL
DAVID J. FAERBER
CHRISTOPHER M. FARHAR
EMILY R. FAVORITE
ADAM FEDERICO
MATTHEW D. FERNS
ELVIN J. FINNICUM III
THOMAS G. FISCHER
ADRIAN N. FORTEZA
JORDAN L. FOX
WILLIAM R. FRANTZ
SETH T. FREEDMAN
MICHAEL A. FREIBERGER
ANDREW J. FREMMING
RICHARD A. FRENCH
JASON B. FREY
MARIA T. FULCHER
JOSEPH F. GABEL
MATTHEW S. GALADYK
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